



JOINT MEETING OF THE MILPITAS CITY COUNCIL AND HOUSING AUTHORITY

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

City Council meeting will be held via TELECONFERENCE (no physical meeting space) Submit any Public Forum or agenda item comments in writing submitted online, to be read aloud.

Meeting shall be livestreamed - Go to:

Facebook: <https://www.facebook.com/CityofMilpitas/>
YouTube: <https://www.ci.milpitas.ca.gov/youtube>
Web Streaming: <https://www.ci.milpitas.ca.gov/webstreaming>

Virtual public comments may be submitted on a form from the City website:
<http://www.ci.milpitas.ca.gov/publiccomment>

For Public Hearing Items No. 10, 11, 12 only, voicemail message comments may be submitted to telephone number 408-586-3010 until 3:00 PM on May 19.

AGENDA **TUESDAY, MAY 19, 2020** **MILPITAS, CA** **6:00 PM (CLOSED SESSION)** **7:00 PM (PUBLIC BUSINESS)**

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Vibha Shah v. City of Milpitas, et al/City of Milpitas v. Kenneth Louis Kaldy, et al; Santa Clara County Superior Court, Case No. 18CV322398

(b) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code §54957.6

Agency designated representative: Rick Bolanos of Liebert Cassidy Whitmore

Employee Group: Milpitas Employees Association

CLOSED SESSION ANNOUNCEMENT: Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present

PLEDGE OF ALLEGIANCE (7:00 PM)

INVOCATION

PRESENTATIONS

- Proclaim May as *Teacher Appreciation Month*
- Proclaim May as *Affordable Housing and Building Safety Month*
- Proclaim May 17 - 23, 2020 as *Public Works Week*

PUBLIC FORUM (7:10 – 7:25 PM)

Those interested are invited to address the City Council on any subject not on tonight's agenda. Written comments shall be submitted via form online, and commenters may state their name and city of residence for the Clerk's record. Comments will be read aloud by the City Clerk, and remarks may be limited to three minutes, or less. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

Virtual public comments may be submitted on a form from the City website:

<http://www.ci.milpitas.ca.gov/publiccomment>

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:25 – 7:35 PM)

Members of the City Council may make brief announcements or suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage in discussion, but shall simply state a "yes" or "no" as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a subsequent agenda for City Council discussion.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

APPROVAL OF AGENDA

CONSENT CALENDAR (7:35 – 7:40 PM)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

C1. Receive City Council Calendars of Meetings for May and June 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

C2. Approve City Council Meeting Minutes for the May 5, 2020 Special and Regular City Council Meetings (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve draft meeting minutes for both the special (5:00 PM) and regular (7:00 PM) City Council meetings held on Tuesday, May 5, 2020.

C3. Housing Authority: Approve and Authorize the Executive Director to Execute a Term Extension to the predevelopment loan agreement entered into by Resources for Community Development and City of Milpitas Housing Authority for 355 Sango Court (Staff Contact: Sharon Goei, 408-586-3260)

Recommendation: Approve and authorize the Executive Director to execute a term extension to the predevelopment loan agreement entered into by Resources for Community Development and the City of Milpitas Housing Authority for 355 Sango Court.

C4. Accept the FY 2020 Citizen Options for Public Safety (COPS) Grant in the amount of \$115,531 (Staff Contact: Jared Hernandez, 408-586-2406)

Recommendation: Accept the 2020 Citizen Options for Public Safety Grant in the amount of \$115,531 and approve a budget appropriation to the Police Department's operating budget.

C5. Receive the 2019 General Plan Annual Progress Report and Authorize Submittal of the Report to the Governor's Office of Planning and Research (OPR) (Staff Contact: Jay Lee, 408-586-3077)

Recommendation: Receive the 2019 General Plan Annual Progress Report and authorize submittal of the report to the Governor's Office of Planning and Research (OPR).

C6. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Agreement with De Novo Planning Group for the General Plan Update Extending the Term of Service Date from February 28, 2019 to December 31, 2021 (Staff Contacts: Jessica Garner, 408-586-3284)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the agreement with De Novo Planning Group for the General Plan update to extend the term of service date from February 28, 2019 to December 31, 2021.

C7. Receive Mayor's Recommendation and Move to Re-appoint Two Members of the Economic Development and Trade Commission (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Mayor Tran recommends that the City Council affirm his re-appointment of Commissioner Casey McNeil and Alternate Member No. 2 Juliette Gomez to new 3-years terms on the Economic Development and Trade Commission. If re-appointed, both currently serving members (whose terms recently expired at the end of April) will continue their Commission service through April of 2023.

C8. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Memorandum of Understanding with the Valley Water District Establishing a Mutual Waiver of Fees for City and District Capital Improvement Program Projects (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Memorandum of Understanding with the Valley Water District Establishing a mutual waiver of fees for City and District Capital Improvement Program Projects.

C9. Report on Suspension of the State Carry-Out Bag Law Under Executive Order N-54-20 (Staff Contact: Christopher Diaz, 408-586-3040)

Recommendation: Receive and accept the report on suspension of the state's Carry-Out Bag law under Executive Order N-54-20.

PUBLIC HEARINGS (7:40 – 8:15 PM)

Virtual public comments may be submitted on a form from the City website:
<http://www.ci.milpitas.ca.gov/publiccomment>

For Public Hearing Items No. 10, 11, and 12 only, voicemail message comments may be recorded on telephone number 408-586-3010 until 3:00 PM on May 19.

10. Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2020-21 (Staff Contact: Steve Erickson, 408-586-3301)

Recommendations:

- 1) Open the public hearing, receive any comments, and move to close the hearing following any testimony.
- 2) Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2020-21.

11. Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2020-21 (Staff Contact: Steve Erickson, 408-586-3301)

Recommendations:

- 1) Open the public hearing, receive any comments, and move to close the hearing following any testimony.
- 2) Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2020-21.

12. Conduct a Public Hearing and Introduce Uncodified Ordinance No. 305 Establishing Fees for Ambulance and Emergency Medical Services (Staff Contact: Geoffrey Maloon, 408-586-2818)

Recommendations:

- 1) Conduct a public hearing and move to close the hearing following comments.
- 2) City Attorney shall read aloud title of Ordinance No. 305.
- 3) Move to waive the first reading beyond the title and introduce Ordinance No. 305 to establish ambulance and emergency medical services fees.

COMMUNITY DEVELOPMENT (8:15 – 8:50 PM)

13. Receive Report on the Community Identification and Brand Study (Phase I) and Provide Direction on Scope and Implementation of the Study (Phase II) (Staff Contact: Ashwini Kantak, 408-586-3053)

Recommendations:

- 1) Receive report on the Community Identification and Brand Study (Phase I).
- 2) Provide direction to staff on scope and implementation of the Community Identification and Brand Study (Phase II).

LEADERSHIP AND SUPPORT SERVICES (8:50 – 10:00 PM)

14. Adopt the City of Milpitas Information Technology Strategic Plan and provide feedback (Staff Contact: Mike Luu, 408-586-2706)

Recommendation: Adopt the City of Milpitas Information Technology Strategic Plan and provide feedback to staff.

15. Approve Employment Agreement with Steven McHarris to serve as City Manager and Provide Direction to Staff to Make Minor Modifications to the Unrepresented Employee Benefit Handbook (Staff Contact: Christopher Diaz, 408-586-3040)

Recommendation: Approve Employment Agreement with Steven McHarris to serve as City Manager and provide direction to staff to make minor modifications to the Unrepresented Employee Benefits Handbook.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies

(10:00 – 11:00 PM)

16. Receive and Direct Staff on Scheduling Agenda Items Requested by City Councilmembers (Contact: Mayor Tran, 408-586-3029)

Recommendation: Review list of items presented (list in agenda packet) that have been requested by Mayor or City Councilmembers on a form, at a Council meeting, or through the City Manager. Direct items to Rules or other Council Subcommittee, to be placed onto a specific meeting date, or specify alternate direction to staff. No substantive discussion about any specific item shall occur and the City Council shall hold all debate about the item until the item is scheduled as a full agenda item.

17. Hear Request of Councilmember Phan and Mayor Tran in Support of “Laura’s Law” (Contacts: Councilmember Anthony Phan, 408-586-3032 and Mayor Rich Tran, 408-586-3029)

Recommendation: Hear request of Councilmember Phan and Mayor Tran in Support of “Laura’s Law” and consider directing staff to send a letter of support to the County of Santa Clara.

18. Adopt a Resolution in Support of the Principles of the Convention on the Elimination of All Forms of Discrimination Against Women (Contacts: Councilmember Dominguez, 408-586-3031 and Councilmember Phan)

Recommendation: Adopt a Resolution in support of the principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

NEXT AGENDA PREVIEW

19. Receive Preview List of Anticipated Items for the next Regular City Council Meeting Scheduled on June 2, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

ADJOURNMENT (11:00 PM)

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Share information with all Councilmembers in advance of Council meetings.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.


If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.

| April 2020 | | | | | | |
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| June 2020 | | | | | | |
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Milpitas City Council Calendar

May 2020

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|--|---|--|---|------------------------------------|----------|
| | | | | | 1 | 2 |
| 3 | 4 7:00 PM Parks, Recreation & Cultural Resources Commission (AP) | 5 5:00 PM-Special City Council 6:00 PM-Closed Session 7:00 PM-City Council | 6 12:00 PM-Santa Clara Valley Water District-Water Commission (CM) 2:00 PM-Santa Clara VTA Monthly Briefing - Northeast Group (BN) 7:00 PM-Community Advisory Commission (BN) | 7 4:00 PM-Special Treatment Plant Advisory Committee (CM) (San Jose) 5:30 PM-Santa Clara VTA Board of Directors (BN) 5:30 PM-Milpitas Chamber of Commerce Board (CM) (?) | 8 | 9 |
| 10 | 11 4:30 PM-Economic Development and Trade Commission (KD) 7:00 PM-Arts Commission (CM) | 12 5:00 PM-City Council Budget Study Session | 13 7:00 PM-Planning Commission 7:00 PM-Silicon Valley Clean Energy Board of Directors (CM) | 14 4:00 PM-Santa Clara VTA Policy Advisory Committee (KD) 7:00 PM-Cities Assoc of SCC (CM) 7:00 PM-Youth Advisory Commission (AP) | 15 4:00 PM-Special City Council | 16 |
| 17 | 18 7:00 PM-Science, Technology, and Innovation Commission (BN) 7:00 PM-Library and Education Commission (CM) | 19 6:00 PM-Closed Session 7:00 PM-City Council | 20 11:30 AM- Santa Clara VTA Safety, Security, Transit Planning & Operations Committee (BN) (?) 6:00 PM-Energy and Environmental Sustainability Commission (BN) | 21 7:00 PM-Public Safety and Emergency Preparedness Commission (KD) | 22 | 23 |
| 24 | 25 City Hall Closed  | 26 | 27 7:00 PM-Planning Commission | 28 4:00 PM-Treatment Plant Advisory Committee (CM) (San Jose) | 29 | 30 |
| 31 | | | | | | |

| May 2020 | | | | | | |
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| July 2020 | | | | | | |
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Milpitas City Council Calendar

June 2020

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|-----------|---|---|---|--|--|-----------|
| | 1 <i>7:00 PM-Parks, Recreation & Cultural Resources Commission (AP)</i> | 2 <i>7:00 PM-Closed Session</i> <i>7:00 PM-City Council</i> | 3 <i>2:00 PM-Santa Clara VTA Monthly Briefing - Northeast Group (BN) (Santa Clara)</i> <i>5:30 PM-Veterans Commission (RT)</i> <i>7:00 PM-Community Advisory Commission (BN)</i> | 4 <i>5:30 PM-Milpitas Chamber of Commerce Board (CM)</i> <i>5:30 PM-Santa Clara VTA Board of Directors (BN)</i> | 5 | 6 |
| 7 | 8 <i>4:30 PM-Economic Development and Trade Commission (KD)</i> | 9 | 10 <i>1:30 PM-Bay Area Water Supply & Conservation Agency (CM)</i> <i>4:30 PM-City Council Transportation Subcommittee (RT/CM)</i> <i>7:00 PM-Silicon Valley Clean Energy Board of Directors (CM) (Cupertino)</i> <i>7:00 PM-Planning Commission</i> | 11 <i>11:00 AM- ABAG General Assembly Special Business Meeting (KD)</i> <i>4:00 PM-Treatment Plant Advisory Committee (CM)</i> <i>4:00 PM-Santa Clara VTA Policy Advisory Committee (KD)</i> <i>7:00 PM-Youth Advisory Commission (AP)</i> <i>7:00 PM-Cities Assoc of SCC (CM)</i> | 12 <i>*4:30 PM-City Council Finance Subcommittee (RT/CM)</i> | 13 |
| 14 | 15 <i>7:00 PM-Science, Technology, and Innovation Commission (BN)</i> | 16 <i>7:00 PM-Closed Session</i> <i>7:00 PM-City Council</i> | 17 <i>6:00 PM-Energy and Environmental Sustainability Commission (BN)</i> | 18 | 19 | 20 |
| 21 | 22 <i>7:00 PM-Special Arts Commission (CM)</i> | 23 <i>1:30 PM-Senior Advisory Commission (AP)</i> | 24 <i>7:00 PM-Planning Commission</i> | 25 <i>12:00 PM-Santa Clara County Library JPA (CM)</i> | 26 | 27 |
| 28 | 29 | 30 | | | | |

**Finance Subcommittee will only meet as needed*

Draft **MEETING MINUTES**
CITY OF MILPITAS

| | |
|--------------------|---|
| Minutes of: | Special Meeting of the Milpitas City Council |
| Date: | Tuesday, May 5, 2020 |
| Time: | 5:00 PM |
| Location: | Meeting held via teleconference Milpitas, CA |

CALL TO ORDER

Mayor Tran called the special meeting to order at 5:10 PM. City Clerk called the roll. The meeting took place via teleconference and zoom webinar.

PRESENT: Mayor Tran, Vice Mayor Nuñez, Councilmembers Dominguez, Montano and Phan

ABSENT: None

PLEDGE

Mayor Tran led the pledge of allegiance to the flag.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST**

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions.

Councilmember Dominguez stated she was a member of both Lions and Rotary Clubs.

Vice Mayor Nuñez stated he was a member of both groups, a board member of both and had donated to both groups.

Councilmember Montano stated she was a charter member of the Lions Club when it first started.

Mr. Diaz responded that club Board Members should recuse themselves from voting on the agenda item involving those clubs.

PUBLIC FORUM

City Clerk Mary Lavelle told the Mayor that four comments arrived in the online mailbox, and were related to a topic on the 7:00 PM Regular City Council meeting agenda. He asked the City Clerk to refrain from reading those until later into the evening, when Council would address that item.

AGENDA ITEMS

1. Mobile Testing

Assistant City Manager Ashwini Kantak and Battalion Chief Geoffrey Maloon made a presentation on proposed mobile coronavirus testing in Milpitas, intending to use the City's own ambulance and staff, working in concert with local technology firm IGeneX. Company representative Tom Paskert addressed the Council and answered questions.

Vice Mayor Nuñez requested to have a future discussion regarding which City department would be the lead on this effort.

Motion: to accept a report on mobile Covid-19 testing in Milpitas, and approve and authorize the City Manager to enter into a formal agreement with IGeneX to provide and conduct tests for mobile Covid-19 testing for Milpitas businesses and residents, in a form approved by the City Attorney

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

Motion carried by a vote of:

AYES: 5
NOES: 0

2. Report on 4th of July

Recreation and Community Services Director Renee Lorentzen presented four potential options for celebrating the 4th of July 2020, and reported what several nearby cities planned. Livestream display for a virtual 4th of July was recommended by staff at a cost of \$4,950 (without live fireworks).

Mayor Tran supported the idea to light up City Hall, and hoped to see the large US flag used on the Fire Department's tiller truck. Vice Mayor Nuñez suggested service clubs participate in the City's 4th of July efforts, especially with displaying US flags across the city. Councilmember Montano wanted to see flags displayed along Calaveras Blvd..

Motion: to receive the report; and direct staff to proceed with the virtual 4th of July display (defunding the live fireworks display)

Motion/Second:

Vice Mayor Nuñez/Councilmember Montano

Motion carried by a vote of:

AYES: 5
NOES: 0

3. Funding to Groups for Face Coverings

. Vice Mayor Nuñez, based on guidance by City Attorney Diaz, recused himself since he served on the boards of the two organizations which would be receiving donations from the City .

Ms. Lorentzen described the requirement for face coverings during the Covid-19 emergency and the needs in Milpitas. The Milpitas Lions Club and Milpitas Rotary Club were collecting and distributing - free of charge to the community - hand-made cloth masks for Milpitas residents. Staff recommended allocating \$3000 toward supplies for the clubs' efforts.

Motion: to receive the staff report, and approve funding \$3,000 equally to the Milpitas Executive Lions Club and Milpitas Rotary Club for the purchase of face covering supplies for community need in the City of Milpitas

Motion/Second:

Councilmember Dominguez/Councilmember Montano

Motion carried by a vote of:

AYES: 4
NOES: 0
RECUSED: 1 (Nuñez)

ADJOURNMENT

Mayor Tran adjourned the special meeting at 6:57 PM in memory of Mr. Denny Weisgerber, long time resident and former Mayor of Milpitas, on his birthdate.

*Meeting minutes drafted and submitted by
Mary Lavelle, City Clerk*

Draft **MEETING MINUTES**
CITY OF MILPITAS

| | |
|--------------------|--|
| Minutes of: | Regular Meeting of the Milpitas City Council |
| Date: | Tuesday, May 5, 2020 |
| Time: | 6:00 PM Closed Session 7:00 PM Open Session |
| Location: | Meeting held via teleconference/zoom meeting Milpitas, CA |

CALL TO ORDER

Mayor Tran called the regular meeting to order at 7:01 PM. City Clerk called the roll. The meeting took place via teleconference and zoom webinar.

PRESENT: Mayor Tran, Vice Mayor Nuñez and Councilmembers Dominguez, Montano and Phan

ABSENT: None

CLOSED SESSION

City Council convened into Closed Session (by telephone) to discuss two items listed on the agenda, one labor negotiation item and one anticipated litigation.

By phone conference, Mayor Tran called to order the open session/regular meeting at 7:37 PM.

ANNOUNCEMENT

City Attorney Chris Diaz reported no action out of Closed Session. He stated the City Council did not discuss closed session item (a).

PLEDGE

Mayor Tran led the pledge of allegiance.

INVOCATION

Councilmember Dominguez introduced Pastor Dan Vera from Community Church, who offered a prayer to start the meeting.

PRESENTATIONS

Mayor Tran proclaimed May 2020 as Asian Pacific American Heritage Month, National Mental Health Awareness Month, and Older Americans Month.

PUBLIC FORUM

City Clerk Mary Lavelle read aloud comments from residents Warren Wettenstein of the Milpitas Chamber of Commerce, and Yolie Garcia.

ANNOUNCEMENTS

City Manager Steve McHarris reviewed the City's website concerning coronavirus and Covid-19 information and community resources.

Councilmember Phan requested agenda item no. 11 (potential tax measures), not be discussed on this date. He asked to place the topic on the next meeting agenda, to narrow the focus to the sales tax only.

Mr. Diaz re-stated what Mr. Phan had requested: to defer item no. 11 to the next meeting date, and for staff to bring back only the discussion of potential sales tax. Three members were in favor of this request while one abstained (Mayor Tran) and one opposed (Dominguez).

Councilmember Dominguez felt a need to refocus on the City Council Rules Subcommittee process. It should work to alleviate what happened, bring back conversation, and provide rules on how policy was to be adopted by the Council. She requested a Rules Committee meeting with all five Councilmembers, and continue those meetings going forward, and on the next agenda.

City Attorney Diaz asked for a roll call vote on her proposal. The Mayor and three other Councilmembers did not favor Ms. Dominguez' request.

Councilmember Montano said it was “Teacher Appreciation Month” in May, and asked the Mayor for a proclamation. She reported that City of San Jose exempted charging a fee for grocery bags at stores, and Milpitas should look into that. The City Attorney explained that it was already suspended per the Governor’s Executive Order. Ms. Montano sought enforcement in Milpitas, and all Councilmembers were in favor of a report coming back to the City Council on this topic at the next meeting.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST
AND CAMPAIGN
CONTRIBUTIONS**

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, no conflicts or contributions were reported.

APPROVAL OF AGENDA

Motion: to approve the City Council agenda, as amended removing items no. 11 and 14

Councilmember Dominguez asked to remove item no. 14 (Resolution for CEDAW) and put it on the next agenda.

Previously, City Council voted to remove agenda no. 11 (potential tax measures)

Motion/Second: Councilmember Montano/Vice Mayor Nuñez

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the consent calendar, items no. C1 – C6, and no. 15

Mayor Tran asked to place no. 15 on consent (Resolution to condemn discrimination).

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

Motion carried by a vote of: AYES: 5
NOES: 0

- | | |
|--|--|
| C1. Council Calendars | Received the calendar of upcoming meetings for May 2020. |
| C2. Meeting Minutes | Approved City Council meeting minutes of April 14 and 21 (2), 2020. |
| C3. Resolution – fire station no. 2 demolition | Adopted Resolution No. 8963 to award a construction contract and authorize the Interim City Manager to execute the contract with the lowest responsible bidder submitting a bid, CVE Contracting Group Inc. doing business as Central Valley Environmental, in the amount of \$245,400 for demolition of Fire Station No. 2 as part of the Fire Station No. 2 Reconstruction Project No. 2447. Authorized City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$60,000. |
| C4. Resolution – LLMD No. 95-1 | Adopted Resolution No. 8964 approving the Annual Engineer’s Report, and adopted Resolution No. 8965 declaring intention to levy and collect assessments for Fiscal Year 2020-21 for Landscaping and Lighting Maintenance Assessment District (LLMD) No. 95-1 (McCarthy Ranch), and provide Notice of Public Hearing to be held on May 19, 2020 for LLMD No. 95-1 McCarthy Ranch. |
| C5. Resolution – LLMD No. 98-1 | Adopted Resolution No. 8966 approving the Annual Engineer’s Report, and adopted Resolution No. 8967 declaring intention to levy and collect assessments for Fiscal Year 2020-21 for Landscaping and Lighting Maintenance Assessment District (LLMD) No. 98-1 (Sinclair Horizon), and provide Notice of Public Hearing to be held on May 19, 2020 for LLMD No. 98-1 Sinclair Horizon. |

C6. Resolution

Adopted Resolution No. 8968 to confirm the Order of the Director of Emergency Services imposing regulations to protect essential workers and consumers through the use of face coverings.

PUBLIC HEARING

7. Master Fee Schedule

Finance Director Walter Rossmann provided an overview on the proposed annual update to the Master Fee Schedule for the City of Milpitas.

Mayor Tran opened the public hearing.

Comments received:

- 1) recorded voicemail from resident Allysson McDonald, on Sunnyhills annual Halloween event park use fees
- 2) written comment read from resident Voltaire Montemayor

Motion: to close the public hearing, following two comments

Motion/Second:

Vice Mayor Nuñez/Councilmember Montano

Motion carried by a vote of:

AYES: 5

NOES: 0

Finance Director Rossmann reported two corrections to the fee schedule, for solar permit fees in the building department.

Motion: to adopt Resolution No. 8969 approving the updated Master Fee Schedule, including two corrections to solar permit fees

Motion/Second:

Vice Mayor Nuñez/Councilmember Phan

Motion carried by a vote of:

AYES: 5

NOES: 0

**COMMUNITY
DEVELOPMENT**

8. Economic Development Strategy

Economic Development Director Alex Andrade presented the proposed strategy (a five year plan), along with consultants from the Strategic Economics firm, Sujata Srivastava and Derek Braun. Mr. Andrade identified a list of business assistance actions the City had taken during Covid-19 crisis time.

Mayor Tran requested a performance measure, at the next update (in one year).

Vice Mayor Nuñez said missing from the report was recent action of the Economic Development staff helping businesses in the crisis time. He wanted to know costs of the plan and urged that be included. Delegation of scope to the City Manager was also missing.

City Manager McHarris responded that staff could return in two weeks, or respond by informational memorandum.

The City Clerk read aloud written comments submitted by two residents: Voltaire Montemayor and Urvish Mehta.

Motion: to receive the report from Alex Andrade, and adopt the City of Milpitas Economic Development Strategy and implementation actions, and additionally include the efforts of the Economic Development office assisting small businesses specifically,

an estimated cost for implementation of the strategy over five years; and, delete item no. 33 in the plan (in reference to cannabis businesses)

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 5
NOES: 0

9. Brand Strategy

At 11:00 PM, Mayor Tran asked to move this item to the next agenda.

LEADERSHIP

**10. 3rd Quarter Financial
Status FY 2019-20**

Finance Director Walter Rossmann reported on the third quarter of the city's fiscal year 2019-20 budget, including a recent drop in revenues due to the coronavirus pandemic.

Mayor Tran and Mr. Rossmann both noted the City Council would meet the following Tuesday for a budget study session for the next fiscal year.

Motion: to approve necessary Budget Amendments to re-balance the amended FY 2019-20 General Fund budget, including use of reserves

Motion/Second: Councilmember Montano/Vice Mayor Nuñez

AYES: 5
NOES: 0

11. Potential Tax Ballot
Measures

This item was removed from the agenda. Earlier in the evening, Councilmembers requested this matter to be heard on May 19, regarding only the topic of a potential sales tax measure for the ballot (no discussion on cannabis sales tax).

REPORTS

12. Agenda Item requests

Item was not heard.

13. Support for Laura's Law

Item was not heard.

14. Resolution (CEDAW)

Item was removed from the agenda, to be rescheduled May 19, 2020 agenda.

*15. Resolution

Item was added to the consent calendar and approved. By unanimous vote, the City Council adopted Resolution No. 8970 to condemn xenophobia and discrimination directed toward all communities, during the time of the coronavirus pandemic.

AGENDA PREVIEW

16. Preview next Agenda

City Council received the preview list of anticipated agenda items for May 19, 2020.

ADJOURNMENT

Mayor Tran adjourned the regular meeting at 11:27 PM in memory of deceased former Mayor and distinguished veteran Denny Weisgerber, on his birthdate.

Meeting minutes submitted by Mary Lavelle, City Clerk



HOUSING AUTHORITY AGENDA REPORT (AR)

| | |
|------------------------|--|
| Item Title: | Housing Authority: Approve and Authorize the Executive Director to execute a term extension to the predevelopment loan agreement entered into by Resources for Community Development and the City of Milpitas Housing Authority for 355 Sango Court |
| Category: | Consent Calendar-Community Development |
| Meeting Date: | 5/19/2020 |
| Staff Contact: | Sharon Goei, 408-586-3260; Robert Musallam, 408-586-3275 |
| Recommendation: | Approve and Authorize the Executive Director to execute a term extension to the predevelopment loan agreement entered into by Resources for Community Development and the City of Milpitas Housing Authority for 355 Sango Court. |

Background:

On November 7, 2017, the City Council/Milpitas Housing Authority approved a \$150,000 predevelopment loan from the Housing Authority Fund to assist with the predevelopment expenditures of the 355 Sango Court project. These funds were for architecture work, an appraisal, environmental studies, a land use attorney, and various engineering drawings and studies.

On November 29, 2017, the predevelopment loan agreement was entered into by Resources for Community Development (RCD), the developer of the project, and the City of Milpitas Housing Authority. The term of the loan was twenty-four months with a six-month extension, or such earlier date as the close of construction financing. Interest on the loan currently accrues at a rate of 3%.

On June 12, 2018, the City Council approved and entitled 355 Sango Court for 101 affordable units and one manager's unit.

On October 31, 2019, in accordance with the original predevelopment loan agreement, RCD requested a six-month extension of the loan term. The Milpitas Housing Authority Executive Director accepted the request to extend the term of the agreement an additional six months to May 29, 2020. Recently, RCD requested to amend the term of the repayment agreement from twenty-four months to fifty-four months, or such earlier date as construction closing.

Analysis:

Per the terms of the proposed amendment to the predevelopment loan agreement, the loan shall have a term that expires fifty-four months from the agreement date, or such earlier date on which construction financing for the project is closed. This means the loan would be repaid by May 29, 2022, or the close of construction financing, whichever is earlier.

The developer's request adds an additional twenty-four months to the existing term. However, the predevelopment loan with accrued interest would be paid back at the time construction financing is secured or the end of the loan period, whichever occurs first. The developer submitted the initial building permit application for this project near the end of 2019. Several recent updates from the developer indicate that they project to close on construction financing in November 2020 and to begin construction at that time. Assuming a November 2020 date, this would effectively represent an additional six-month extension of the current term expiration date of May 29, 2020.

Per the developer, they anticipate closing on construction financing in November 2020, but closing is dependent on receiving an award for tax credits and bonds. They note that previously, bond financing was non-competitive but has now become a competitive process. If the developer does not receive an allocation in August 2020, when the allocations are announced, they will need to re-apply for this funding next year. As a result, the additional time requested is to hedge against any further delays in financing and needing to request another extension. Please see Attachment C for an overview of the updated project schedule.

Staff's recommendation is for the Milpitas Housing Authority to approve and authorize the Executive Director to execute a term extension to the predevelopment loan agreement for 355 Sango Court.

Policy Alternative:

Alternative: Do not accept the extension request.

Pros: The City would soon add \$150,000 to the Housing Authority Fund.

Cons: The developer would have to produce the funds from an alternate, currently unknown funding source.

Sourcing additional funds could also result in a delay of the project.

Reason not recommended: It would assist the project for the City to extend the loan term and receive payment when the developer secures their construction financing.

Fiscal Impact:

Approving the recommendation means a \$150,000 payment into the Housing Authority Fund will be received by May 29, 2022, or the close of construction financing, whichever is earlier.

California Environmental Quality Act:

The action being considered has no potential for causing a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Recommendation:

Approve and Authorize the Executive Director to execute a term extension to the predevelopment loan agreement entered into by Resources for Community Development and the City of Milpitas Housing Authority for 355 Sango Court.

Attachments:

- A. Amendment to Predevelopment Loan Agreement
- B. Predevelopment Loan Agreement
- C. Updated Project Schedule

**AMENDMENT TO PREDEVELOPMENT LOAN AGREEMENT
AND PROMISSORY NOTE**

This Amendment to Predevelopment Loan Agreement and Promissory Note ("Amendment") is dated effective as of _____, 2020, by and between the City of Milpitas Housing Authority ("Authority") and Resources for Community Development, a California nonprofit public benefit corporation ("Borrower").

WHEREAS, Authority and Borrower entered into that certain Predevelopment Loan Agreement dated November 29, 2017 (the "Loan Agreement"), whereby Authority agreed to make a loan to Borrower in the amount of \$150,000 for the purpose of providing funds for certain predevelopment costs necessary for the development of the property located at 355 Sango Court, Milpitas, California (the "Property"); and

WHEREAS, Borrower executed a Promissory Note in the amount of \$150,000 (the "Note") in favor of the Authority in connection with the Loan Agreement; and

WHEREAS, Authority and Borrower wish to amend the Loan Agreement as set forth herein; and

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Section 1.3(a) of the Loan Agreement is hereby deleted in its entirety and replaced as follows:

(a) Term. The Authority Loan shall have a term (the "Term") that commences on the Agreement Date and expires on the date which is fifty-four (54) calendar months from the Agreement Date, or such earlier date on which construction financing for the Project is closed.

2. Section 3 of the Note is hereby deleted in its entirety and replaced as follows:

Term. The Authority Loan shall have a term (the "Term") that commences on the Agreement Date and expires on the date which is fifty-four (54) calendar months from the Agreement Date, or such earlier date on which construction financing for the Project is closed.

3. All capitalized terms used but not otherwise defined herein, shall have the meanings ascribed to them in the Loan Agreement.

4. Except as modified hereby, the Loan Agreement remains in full force and effect.

5. This Amendment may be signed in any number of counterparts, all of which taken together shall constitute one and the same instrument.

6. This Amendment shall be governed by, and construed and enforced in accordance with, the laws of the State of California.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date set forth above.

AUTHORITY:

THE CITY OF MILPITAS HOUSING AUTHORITY

By: _____
Steven G. McHarris,
Executive Director

APPROVED AS TO FORM

By: _____
Christopher J. Diaz,
Authority Counsel

BORROWER:

RESOURCES FOR COMMUNITY DEVELOPMENT,
a California nonprofit public benefit corporation

By: _____
Daniel Sawislak,
Executive Director

PREDEVELOPMENT LOAN AGREEMENT
355 Sango Court, Milpitas, CA

This Predevelopment Loan Agreement (the "Agreement") is entered into as of November 29, 2017 (the "Agreement Date"), by and between the City of Milpitas Housing Authority, ("Authority"), and **Resources for Community Development**, a California nonprofit public benefit corporation, or its assignee ("Borrower").

Recitals

A. Borrower and Ted Company LLC ("Owner") have entered into a Purchase and Sale Agreement dated as of January 26, 2107, as amended (the "Purchase Agreement") for the purchase of real property located at 355 Sango Court, Milpitas, California (the "Property"). The Borrower intends to acquire the Property and develop on the Property an approximately 100-unit affordable rental housing development (the "Project"). In order to qualify for County of Santa Clara Measure A funding, approximately twenty-five (25) of the units will be set aside for homeless veterans or other households which include at least one member who is homeless and disabled, and twenty-five (25) units will be set aside as Rapid Rehousing for individuals or families who are extremely low income (earning up to 30% of area median income) and who are homeless or at imminent risk of homelessness. The remaining units shall be rented to households earning no more than sixty percent (60%) of area median income.

B. On August 1 2017, the Authority approved a loan commitment of \$150,000 from the Milpitas Housing Authority Fund to pay for certain predevelopment costs necessary for the development of the Project.

C. The activities to be funded under this Agreement are excluded from review under the National Environmental Policy Act pursuant to 24 CFR 58.35(b)(6).

Agreements

In consideration of the terms and conditions of this Agreement, the parties hereto agree as follows:

ARTICLE 1 LOAN TERMS

Section 1.1 Loan.

(a) The Authority shall loan to the Borrower, and the Borrower shall borrow from the Authority, the principal amount of One Hundred Fifty Thousand Dollars (\$150,000) (the "Authority Loan") for the purposes set forth in Section 1.2 of this Agreement. The Authority Loan shall be evidenced by a Promissory Note in favor of the Authority (the "Authority Note") and secured by an assignment of collateral documents (the "Assignment of Collateral Documents"), each in form and content satisfactory to the parties. This Agreement, the Authority Note and Assignment of Collateral Documents are referred to collectively as the "Loan Documents."

(b) The outstanding principal balance of the Authority Loan shall bear interest at a simple rate of three percent (3%). In the event of a Default, interest on the Authority Loan shall begin to accrue on the date of the Default and continue until the Authority Loan is repaid in full or the Default is cured, at the default rate of the lesser of ten percent (10%), compounded annually, or the highest rate permitted by law.

Section 1.2 Use of Loan Funds

(a) "Predevelopment Budget" means the predevelopment budget, including a list of the activities to be funded by the proceeds of the Authority Loan (the "Predevelopment Activities"), the consultants performing such activities (the "Predevelopment Consultants"), , and sources and uses of funds for such activities, attached hereto and incorporated herein as Exhibit A, which may be amended with the approval of the Authority as set forth in Subsection (c). "Schedule" means the schedule for performance of the Predevelopment Activities, which may be amended with the approval of the Authority as set forth in Subsection (c).

(b) Borrower shall use the proceeds of the Authority Loan (the "Funds") to only pay for costs of the Predevelopment Activities, as such costs are incurred, in the amounts and for the cost items set forth in the Predevelopment Budget, unless the Authority's Executive Director or designee approves in writing the use of the Funds for another purpose. Borrower shall not use the Loan funds for any other purpose without the prior written consent of the Authority's Executive Director or designee.

(c) Borrower shall submit any revisions to Predevelopment Budget or the Schedule to the Authority's Executive Director or designee for approval within fifteen (15) days of the date Borrower receives information indicating that actual predevelopment costs or schedule for the Predevelopment Activities vary or will vary from the costs shown on the Predevelopment Budget or the dates shown in the Schedule, which approval shall not be unreasonably withheld. If the Authority's Executive Director or designee does not disapprove such revision(s) to the Predevelopment Budget or Schedule, as applicable, within ten (10) business days of submission by the Borrower, such revision(s) shall be deemed approved.

Section 1.3 Repayment

(a) Term. The Authority Loan shall have a term (the "Term") that commences on the Agreement Date and expires on the date which is twenty-four (24) calendar months from the Agreement Date, subject to Borrower's right to extend the Term for an additional six (6) months, as provided in the Note; or such earlier date as the close of construction financing for the Project.

(b) Payment in Full. Subject to Sections 1.3(c) (regarding Subsequent Authority Financing) and Sections 1.5 and 1.6 (regarding termination for an Infeasibility Condition), the entire principal balance of the Authority Loan and all accrued and unpaid interest shall be due in one lump sum upon the earliest of:

(i) Any Transfer of the Property and/or the Project other than a Transfer permitted or approved by the Authority as provided in Section 2.6;

(ii) The occurrence of a Default under this Agreement for which the Authority exercises its right to cause the Authority Loan to become immediately due and payable, or for which the Authority Loan is automatically specified to become immediately due and payable pursuant to applicable subsections of Article 3 below; or

(iii) The expiration of the Term without the Authority providing any Subsequent Authority Financing.

(c) Subsequent Authority Financing.

(i) In the event the Authority provides construction financing for the Project (the "Subsequent Authority Financing"), the principal balance of the Authority Loan plus all accrued and unpaid interest shall become part of the principal balance of the Subsequent Authority Financing. However, nothing in this Agreement is construed as a commitment by the Authority to provide any Subsequent Authority Financing, or a limitation on the Authority's discretion as to whether to provide any Subsequent Authority Financing.

(ii) It is anticipated that the County of Santa Clara will provide additional predevelopment funding for the Project which would also be secured by an Assignment of Collateral Documents. It is also anticipated that Subsequent Authority Financing would be secured by the Property by a deed of trust in a lien priority equal to that of any acquisition financing which might be provided by the County of Santa Clara. In both cases, the Subsequent Authority Financing and any such County financing would be repayable on a pro rata basis, based on the respective principal amounts of such financing, and would have equal rights to the security for their respective financing. It is anticipated that the Authority and the County would enter into an intercreditor agreement to describe their respective rights to repayment and to the collateral for their respective loans.

(d) Prepayment. Borrower may pay the principal and any interest due on the Authority Loan in advance of the time for payment thereof as provided in this Agreement, without penalty, at which time the Authority shall cancel the Authority Note and the Assignment of Collateral Documents.

Section 1.4 Conditions Precedent to Disbursements for Predevelopment Costs.

(a) The Authority shall not be obligated to make any disbursements of the Authority Loan unless the following conditions have been satisfied:

(i) There exists no Default nor any act, failure, omission or condition that would constitute an event of Default under this Agreement;

(ii) Borrower has executed and delivered to the Authority this Agreement, the Authority Note, and the Assignment of Collateral Documents.

(iii) Borrower has furnished the Authority with evidence of the insurance coverage meeting the requirements of Section 4.15 below.

(iv) The Authority has received a written draw request from Borrower setting forth the proposed uses of the funds consistent with the approved Predevelopment Budget, specifying the amount of funds needed. A copy of the bill or invoice documenting the expense shall be attached to the request.

(b) Subject to satisfaction of the conditions in Subsection (a), disbursements may be made for costs incurred by the Borrower both prior to and following the Agreement Date.

Section 1.5 Termination of Agreement for Infeasibility.

Upon the occurrence of an Infeasibility Condition, this Agreement may be terminated at any time during the Term in the Authority's sole discretion, and the Loan forgiven, subject to the requirements of Section 1.6 below. For purposes of this Agreement, "Infeasibility Condition" means a condition that is an impediment to development of the Project that is beyond the control of Borrower. Only the following conditions are Infeasibility Conditions:

(a) Borrower does not receive the discretionary permits and approvals (other than a building permit) including approvals required under CEQA and/or NEPA, necessary for the construction of the Project by the date set forth in the schedule of performance attached as Exhibit B (the "Schedule") (as such date may be extended), despite Borrower's good faith efforts to obtain such approvals;

(b) Borrower does not receive commitments of projected financial assistance or reasonable substitutions therefor, including grants and loans, necessary to construct the Project by the date set forth in the Schedule (as such date may be extended), despite Borrower's good faith efforts to obtain such funding;

(c) Borrower and the Authority determine that any environmental remediation work with respect to hazardous materials discovered on the Property is so costly as to make the Project economically infeasible.

(e) Borrower and the Authority determine that the Project as contemplated herein is infeasible, irrespective of any possible modifications which may be agreed to by the Authority.

Following termination under this Section 1.5 and Section 1.6, neither Party will have any rights or obligations under this Agreement, except that the provisions of Sections 4.4, 4.6 and 4.11 of this Agreement will survive such termination and remain in full force and effect.

Section 1.6 Forgiveness of Predevelopment Loan.

Upon the occurrence of an Infeasibility Condition, at the discretion of the Authority, the Authority Loan shall be forgiven upon termination of this Agreement pursuant to Section 1.5 above, subject to the following conditions:

- (a) No Default has occurred and is continuing under this Agreement; and
- (b) Borrower has taken all actions necessary to implement the Assignment of Collateral Documents and has delivered the Collateral Documents (as defined in the Assignment of Collateral Documents) to the Authority.
- (c) The Borrower shall have provided written notice to the Authority of the Infeasibility Condition and the request to terminate this Agreement.

Section 1.7 Non-Recourse.

Except as provided below in this Section 1.7, neither the Borrower nor any officer, director, or partner of the Borrower shall have any direct or indirect personal liability for payment of the principal of, or interest on, the Authority Loan or the performance of the covenants of the Borrower under the Loan Documents. The sole recourse of the Authority with respect to the principal of, or interest on, the Authority Note and defaults by Borrower in the performance of its covenants under the Loan Documents shall be to the Assignment of Collateral Documents. The foregoing limitation of liability is intended to apply only to the obligation for the repayment of the principal of, and payment of interest on the Authority Note and the performance of the Borrower's obligations under the Loan Documents, except as hereafter set forth; nothing contained herein is intended to relieve the Borrower of its obligation to indemnify the Authority under this Agreement, or liability for (i) fraud or willful misrepresentation; or (ii) the misappropriation of any proceeds under any insurance policies or awards resulting from condemnation or the exercise of the power of eminent domain or by reason of damage, loss or destruction to any portion of the Property.

ARTICLE 2 LOAN REQUIREMENTS

Section 2.1 Information.

Borrower shall provide any information reasonably requested by the Authority in connection with the Project and Borrower's use of the Authority Loan funds.

Section 2.2

Records.

(a) Borrower shall maintain complete, accurate, and current records pertaining to the Project for a period of five (5) years after the creation of such records, and shall permit any duly authorized representative of the Authority to inspect and copy records. Such records shall include all invoices, receipts, and other documents related to expenditures from the Authority Loan funds. Records must be kept accurate and current.

(b) The Authority shall notify Borrower of any records it deems insufficient. Borrower shall have fifteen (15) calendar days after the receipt of such a notice to correct any deficiency in the records specified by the Authority in such notice, or if a period longer than fifteen (15) days is reasonably necessary to correct the deficiency, then Borrower shall begin to correct the deficiency within fifteen (15) days and correct the deficiency as soon as reasonably possible.

Section 2.3

Audits.

Borrower shall make available for examination at reasonable intervals and during normal business hours to Authority all books, accounts, reports, files, and other papers or property with respect to all matters covered by this Agreement, and shall permit Authority to audit, examine, and make excerpts or transcripts from such records. Authority may make audits of any conditions relating to this Agreement.

Section 2.4

Nondiscrimination.

The Borrower covenants by and for itself and its successors and assigns that there shall be no discrimination against or segregation of a person or of a group of persons on account of race, color, religion, creed, age, disability, sex, sexual orientation, marital status, ancestry or national origin in the performance of the activities described in this Agreement or the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Property, nor shall the Borrower or any person claiming under or through the Borrower establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the Property. The foregoing covenant shall run with the land.

Section 2.5

Transfer.

(a) For purposes of this Agreement, "Transfer" shall mean any sale, assignment, or transfer, whether voluntary or involuntary, of (i) any rights and/or duties under this Agreement, and/or (ii) any interest in the Project, including (but not limited to) a fee simple interest, a joint tenancy interest, a life estate, a partnership interest, a leasehold interest, a security interest, or an interest evidenced by a land contract by which possession of the Project is transferred and Borrower retains title. The term "Transfer" shall exclude (1) the leasing of any single unit in the Project to an occupant in compliance with the Loan Documents, or (2) the granting of a security interest that is specifically authorized by this Agreement.

(b) Notwithstanding Subsection (a), none of the following shall constitute a "Transfer" under this Section:

- (i) Borrower's transfer of the Loan Documents or the Purchase Agreement to a nonprofit public benefit corporation affiliated with the Borrower or to a limited partnership or limited liability company of which Borrower or an affiliated nonprofit public benefit corporation or limited liability company is the general partner or managing member pursuant to assignment documents reasonably acceptable to the Authority;
- (ii) the admission of a limited partner of Borrower in connection with the tax credit syndication of the Project;
- (iii) the execution and delivery by Borrower's general partner of the purchase option and right of first refusal agreement to be described in Borrower's partnership agreement; or
- (iv) the withdrawal, removal, and/or replacement of a general partner of the Borrower pursuant to the terms of the Borrower's partnership agreement, provided that any required substitute general partner is reasonably acceptable to the Authority and is selected with reasonable promptness.

(c) No Transfer shall be permitted without the prior written consent of the Authority, which the Authority may withhold in its sole discretion. The Authority Loan shall automatically accelerate and be due in full upon any unauthorized Transfer.

Section 2.6 Insurance Requirements.

Borrower shall maintain, or cause its consultants performing the Predevelopment Activities to maintain the following insurance coverage throughout the Term of the Loan:

(a) Workers' Compensation insurance to the extent required by law, including Employer's Liability coverage, with limits not less than One Hundred Thousand Dollars (\$100,000) each accident.

(b) Commercial General Liability insurance with limits not less than One Million Dollars (\$1,000,000) each occurrence combined single limit for Bodily Injury and Property Damage, including coverage for Contractual Liability, Personal Injury, Broadform Property Damage, and Products and Completed Operations.

(c) Comprehensive Automobile Liability insurance with limits not less than One Million Dollars (\$1,000,000) each occurrence combined single limit for Bodily Injury and Property Damage, including coverage for owned, non-owned and hired vehicles, as applicable; provided, however, that if Borrower does not own or lease vehicles for purposes of this Agreement, then no automobile insurance shall be required.

(d) If applicable, professional liability insurance insuring Borrower's consultants against professional errors and omissions for the specific professional services provided under this agreement, in an amount not less than \$1,000,000 each occurrence. If such professional

liability insurance is provided on a "claims made" policy form, Consultant shall also maintain a policy retroactive date which is not later than the effective date of this agreement and such retroactive date shall be maintained for at least two years following cessation of all professional services provided under this agreement.

(e) The required insurance shall be provided under an occurrence form (except as permitted with respect to professional liability insurance under Subsection (d)), and Borrower shall maintain such coverage continuously throughout the Term. Should any of the required insurance be provided under a form of coverage that includes an annual aggregate limit or provides that claims investigation or legal defense costs be included in such annual aggregate limit, such annual aggregate limit shall be two times the occurrence limits specified above.

(f) Commercial General Liability and Comprehensive Automobile Liability insurance policies shall be endorsed to name as an additional insured the Authority, and its officers, agents, employees and members of the Housing Authority Commission.

(g) All policies and bonds shall contain (i) the agreement of the insurer to give the Authority at least thirty (30) days' notice prior to cancellation (including, without limitation, for non-payment of premium) or any material change in said policies; (ii) an agreement that such policies are primary and non-contributing with any insurance that may be carried by the Authority; (iii) a provision that no act or omission of Borrower shall affect or limit the obligation of the insurance carrier to pay the amount of any loss sustained; and (iv) a waiver by the insurer of all rights of subrogation against the Authority and its authorized parties in connection with any loss or damage thereby insured against.

(h) The Borrower shall cause any general contractor, agent, or subcontractor working on the Project under direct contract with the Borrower to maintain insurance of the types and in at least the minimum amounts described above other than property insurance.

ARTICLE 3 DEFAULT AND REMEDIES

Section 3.1 Events of Default.

Each of the following shall constitute a "Default" by Borrower under this Agreement:

(a) Failure to Make Payment. Failure to make any payment due on the Authority Loan within ten (10) days of receipt of written notice from the Authority that such payment is due pursuant to the Loan Documents.

(b) Breach of Covenants. Failure by Borrower to duly perform, comply with, or observe any of the conditions, terms, or covenants of any of the Loan Documents, and such failure having continued uncured for thirty (30) days after receipt of written notice thereof from the Authority to the Borrower. If the breach is of a nature that cannot be cured within thirty (30) days, the Borrower shall not be in breach so long as Borrower is diligently undertaking to cure such breach and such breach is cured within ninety (90) days; provided, however, that if a

different period or notice requirement is specified under any other section of this Article 3, the specific provisions shall control.

(c) Insolvency. A court having jurisdiction shall have made or entered any decree or order (i) adjudging Borrower to be bankrupt or insolvent, (ii) approving as properly filed a petition seeking reorganization of Borrower or seeking any arrangement for Borrower under the bankruptcy law or any other applicable debtor's relief law or statute of the United States or any state or other jurisdiction, (iii) appointing a receiver, trustee, liquidator, or assignee of Borrower in bankruptcy or insolvency or for any of its properties, (iv) directing the winding up or liquidation of Borrower, if any such decree or order described in clauses (i) to (iv), inclusive, shall have continued unstayed or undischarged for a period of ninety (90) days; or (v) Borrower shall have admitted in writing its inability to pay its debts as they fall due or shall have voluntarily submitted to or filed a petition seeking any decree or order of the nature described in clauses (i) to (iv), inclusive. The occurrence of any of the events of Default in this paragraph shall act to accelerate automatically, without the need for any action by the Authority, the indebtedness evidenced by the Authority Note

(e) Assignment; Attachment. Borrower shall have assigned its assets for the benefit of its creditors or suffered a sequestration or attachment of or execution on any substantial part of its property, unless the property so assigned, sequestered, attached or executed upon shall have been returned or released within ninety (90) days after such event or, if sooner, prior to sale pursuant to such sequestration, attachment, or execution. The occurrence of any of the Defaults in this subsection shall act to accelerate automatically, without the need for any action by the Authority, the indebtedness evidenced by the Authority Note.

(f) Suspension; Termination. Borrower shall have voluntarily suspended its business.

(g) Unauthorized Transfer. Any Transfer other than as permitted by Section 2.5.

(h) Representation or Warranty Incorrect. Any Borrower representation or warranty contained in this Agreement, or in any application, financial statement, certificate, or report submitted to the Authority in connection with any of the Loan Documents, proving to have been incorrect in any material respect when made. After issuance of the Certificate of Completion, Default may be declared under this subsection only if the failure of representation or warranty also has a material adverse effect on the operation of the Project.

Section 3.2 Remedies.

The occurrence of any Default hereunder following the expiration of all applicable notice and cure periods will, either at the option of the Authority or automatically where so specified, relieve the Authority of any obligation to make or continue the Authority Loan and shall give the Authority the right to proceed with any and all remedies set forth in this Agreement and the Loan Documents, including but not limited to the following:

(a) Acceleration of Note. The Authority shall have the right to cause all indebtedness of the Borrower to the Authority under this Agreement and the Authority Note, together with any

accrued interest thereon, to become immediately due and payable. The Borrower waives all right to presentment, demand, protest or notice of protest or dishonor. The Borrower shall be liable to pay the Authority on demand all reasonable expenses, costs and fees (including, without limitation, reasonable attorney's fees and expenses) paid or incurred by the Authority in connection with the collection of the Authority Loan and the preservation, maintenance, protection, sale, or other disposition of the security given for the Authority Loan.

(b) Specific Performance. The Authority shall have the right to mandamus or other suit, action or proceeding at law or in equity to require Borrower to perform its obligations and covenants under the Loan Documents or to enjoin acts on things which may be unlawful or in violation of the provisions of the Loan Documents.

(c) Right to Cure at Borrower's Expense. Subject to the required consent of an applicable lender, the Authority shall have the right (but not the obligation) to cure any monetary default by Borrower under a loan related to the Project other than the Authority Loan. The Borrower agrees to reimburse the Authority for any funds advanced by the Authority to cure a monetary default by Borrower upon demand therefor, together with interest thereon at the lesser of the maximum rate permitted by law or ten percent (10%) per annum from the date of expenditure until the date of reimbursement.

(d) Assignment of Collateral Documents. Upon the occurrence of any Default, the Authority may exercise all remedies available under the Assignment of Collateral Documents.

Section 3.3 Right of Contest.

Borrower shall have the right to contest in good faith any claim, demand, levy, or assessment the assertion of which would constitute a Default hereunder. Any such contest shall be prosecuted diligently and in a manner unprejudicial to the Authority or its rights hereunder.

Section 3.4 Remedies Cumulative.

No right, power, or remedy given to the Authority by the terms of this Agreement or the Loan Documents is intended to be exclusive of any other right, power, or remedy; and each and every such right, power, or remedy shall be cumulative and in addition to every other right, power, or remedy given to the Authority by the terms of any such instrument, or by any statute or otherwise against Borrower and any other person. Neither the failure nor any delay on the part of the Authority to exercise any such rights and remedies shall operate as a waiver thereof, nor shall any single or partial exercise by the Authority of any such right or remedy preclude any other or further exercise of such right or remedy, or any other right or remedy.

ARTICLE 4 GENERAL PROVISIONS

Section 4.1 Relationship of Parties.

Nothing contained in this Agreement shall be interpreted or understood by any of the Parties, or by any third persons, as creating the relationship of employer and employee, principal

and agent, limited or general partnership, or joint venture between the Authority and Borrower or its agents, employees or contractors, and Borrower shall at all times be deemed an independent contractor and shall be wholly responsible for the manner in which it or its agents, or both, perform the services required of it by the terms of this Agreement. Borrower has and retains the right to exercise full control of employment, direction, compensation, and discharge of all persons assisting in the performance of services under the Agreement. In regard to the acquisition of the Property, construction of the Improvements, and operation of the Project, Borrower shall be solely responsible for all matters relating to payment of its employees, including compliance with Social Security, withholding, and all other laws and regulations governing such matters, and shall include requirements in each contract that contractors shall be solely responsible for similar matters relating to their employees. Borrower shall be solely responsible for its own acts and those of its agents and employees.

Section 4.2 No Claims.

Nothing contained in this Agreement shall create or justify any claim against the Authority by any person that Borrower may have employed or with whom Borrower may have contracted relative to the purchase of materials, supplies or equipment, or the furnishing or the performance of any work or services with respect to the lease of the Property, the construction of the Project, or the operation of the Project, and Borrower shall include similar requirements in any contracts entered into for the lease of the Property, the construction of the Improvements, or the operation of the Project.

Section 4.3 Amendments.

No alteration or variation of the terms of this Agreement shall be valid unless made in writing by the Parties. The Authority acknowledges that the Borrower and/or tax credit investor may require amendments to the Loan Documents in connection with any tax credit syndication of the Project. The Authority agrees to amend the Loan Documents as reasonably required as a condition of the tax credit syndication of the Project.

Section 4.4 Indemnification.

The Borrower shall indemnify, defend and hold the Authority, its officers, officials, employees, agents and volunteers harmless against all claims, liabilities, losses and judgments made against it and expenses (including reasonable attorneys' fees) which arise out of or in connection with the Borrower's activities under this Agreement, , except to the extent such claim arises from the grossly negligent or willful misconduct of the Authority, its officers, officials, employees, agents and volunteers. The provisions of this Section 4.4 shall survive the expiration of the Term.

Section 4.5 Non-Liability of Authority Officials, Employees and Agents.

No member, official, employee, officer, volunteer or agent of the Authority shall be personally liable to Borrower in the event of any default or breach by the Authority or for any

amount which may become due to Borrower or its successor or on any obligation under the terms of this Agreement.

Section 4.6 No Third-Party Beneficiaries.

There shall be no third-party beneficiaries to this Agreement.

Section 4.7 Discretion Retained by Authority.

The Authority's execution of this Agreement in no way limits the discretion of the Authority or the Authority in the permit and approval process in connection with development of the Project.

Section 4.8 Notices, Demands and Communications.

All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered or sent by registered or certified mail, postage prepaid, return receipt requested, or electronic mail, shall be deemed received upon (i) if personally delivered, the date of delivery to the address of the person to receive such notice, (ii) if mailed, three (3) business days after the date of posting by the United States post office, (iii) if delivered by overnight delivery, one (1) business day after mailing, and (iv) if given by electronic mail, when sent. Any notice, request, demand, direction or other communication sent by electronic mail must be confirmed by letter mailed or delivered within two (2) business days of such electronic mail notice in accordance with subsection (i), (ii) or (iii).

To the Authority:

Executive Director
Milpitas Housing Authority
455 E. Calaveras Blvd.
Milpitas, CA 95035

To the Borrower:

Resources for Community Development
2220 Oxford Street
Berkeley, CA 94704
Attention: Executive Director
Email: Dsawislak@rcdhousing.org

Such written notices, demands and communications may be sent in the same manner to such other addresses as the affected Party may from time to time designate by mail as provided in this Section. Receipt shall be deemed to have occurred on the date shown on a written receipt as the date of delivery or refusal of delivery (or attempted delivery if undeliverable).

Section 4.9 Applicable Law.

This Agreement shall be governed by California law.

Section 4.10 Parties Bound.

Except as otherwise limited herein, the provisions of this Agreement shall be binding upon and inure to the benefit of the Parties and their heirs, executors, administrators, legal representatives, successors, and assigns. This Agreement is intended to run with the land and shall bind Borrower and its successors and assigns in the Property and the Project for the entire Term, and the benefit hereof shall inure to the benefit of the Authority and its successors and assigns.

Section 4.11 Attorneys' Fees.

If any lawsuit is commenced to enforce any of the terms of the Loan Documents, the prevailing Party will have the right to recover its reasonable attorneys' fees and costs of suit from the other Party.

Section 4.12 Severability.

If any term of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall continue in full force and effect unless the rights and obligations of the Parties have been materially altered or abridged by such invalidation, voiding or unenforceability.

Section 4.13 Force Majeure.

In addition to specific provisions of this Agreement, performance by either Party shall not be deemed to be in default where delays or defaults are due to war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; quarantine restrictions; freight embargoes; lack of transportation; or court order; or any other similar causes (other than lack of funds of Borrower or Borrower's inability to finance the construction of the Project) beyond the control or without the fault of the Party claiming an extension of time to perform. An extension of time for any cause will be deemed granted if notice by the Party claiming such extension is sent to the other within ten (10) days from the commencement of the cause and such extension of time is not rejected in writing by the other Party within ten (10) days of receipt of the notice. In no event shall the Authority be required to agree to cumulative delays in excess of one hundred eighty (180) days.

Section 4.14 Authority Approval.

Except as otherwise specifically provided in this Agreement, whenever this Agreement calls for Authority approval, consent, or waiver, the written approval, consent, or waiver of _____ or designee shall constitute the approval, consent, or waiver of the Authority, without further authorization required from the Authority.

Section 4.15 Waivers.

Any waiver by the Authority of any obligation or condition in this Agreement must be in writing. No waiver will be implied from any delay or failure by the Authority to take action on any breach or Default of Borrower or to pursue any remedy allowed under this Agreement or applicable law. Any extension of time granted to Borrower to perform any obligation under this Agreement shall not operate as a waiver or release from any of its obligations under this Agreement. Consent by the Authority to any act or omission by Borrower shall not be construed to be a consent to any other or subsequent act or omission or to waive the requirement for the Authority's written consent to future waivers.

Section 4.16 Entire Understanding of the Parties


This Agreement constitutes the entire understanding and agreement of the Parties with respect to the Authority Loan.

Section 4.17 Multiple Originals; Counterpart.

This Agreement may be executed in multiple originals, each of which is deemed to be an original, and may be signed in counterparts.

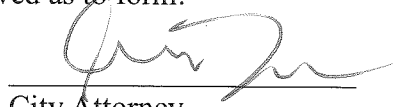
WHEREAS, this Agreement has been entered into by the undersigned as of the Agreement Date.

AUTHORITY:
THE CITY OF MILPITAS HOUSING AUTHORITY

By:  _____

Title: INTERIM CITY MANAGER / EXEC. DIR.

Approved as to form:

By:  _____
City Attorney

BORROWER:

RESOURCES FOR COMMUNITY DEVELOPMENT, a
California nonprofit public benefit corporation

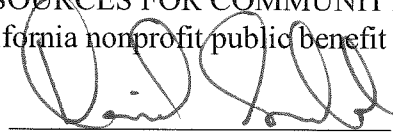
By:  _____
Daniel Sawislak
Executive Director

EXHIBIT A
Predevelopment Budget

Sango Court, Milpitas

Predevelopment Budget

| | |
|---|-------------------|
| Architecture | 66,611.00 |
| Appraisal | 4,000.00 |
| Phase I, II Environmental, CEQA Studies | 37,250.21 |
| Land Use Attorney | 187.00 |
| Engineering | 21,951.79 |
| City Fees | 20,000.00 |
| Total Budget | 150,000.00 |

EXHIBIT B
Schedule

| Date | Milestone | Achieved? |
|----------------|--|------------|
| January 2017 | Site Control | Yes |
| July 2017 | Submit preliminary planning application to city | Yes |
| August 2017 | Predevelopment funding commitment from city | Yes |
| September 2017 | Submit final planning application to city | Yes |
| October 2017 | Community engagement | In process |
| March 2018 | Planning approvals | |
| June 2018 | Apply for funding for VHHP and HOME Funds | |
| July 2018 | Submit plans and applications for plan check and building permit | |
| September 2018 | Apply for 4% credits | |
| March 2019 | Construction Loan/Syndication Closing | |
| March 2019 | Begin construction | |
| September 2020 | Complete construction | |
| December 2020 | 100% Occupancy | |

Attachment C – Updated Project Schedule – 355 Sango Court

| Date | Milestone | Achieved? |
|--------|--|-----------|
| Jan-17 | Site Control | Yes |
| Aug-17 | Predevelopment funding commitment from City | Yes |
| Feb-18 | Community Engagement | Yes |
| Jun-18 | Planning Approvals | Yes |
| Feb-19 | HOME Funding Award | Yes |
| May-19 | Construction and Permanent funding commitment from City | Yes |
| Nov-19 | MHP Funding Award | Yes |
| Dec-19 | Submit Plans and applications for Plan Check and Building Permit | Yes |
| May-20 | Apply for 4% Credits and Bonds | Yes |
| Nov-20 | Construction Loan/ Syndication Closing | |
| Nov-20 | Begin Construction | |
| May-22 | Complete Construction | |
| Sep-22 | 100% Occupancy | |



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|------------------------|---|
| Item Title: | Accept the FY 2020 Citizen Options for Public Safety (COPS) Grant |
| Category: | Consent Calendar-Public Safety |
| Meeting Date: | 5/19/2020 |
| Staff Contact: | Captain Jared Hernandez, 408-586-2406 |
| Recommendation: | Accept the 2020 Citizen Options for Public Safety Grant in the amount of \$115,531 and approve a budget appropriation to the Police Department's Operating Budget |

Background:

The Citizens Option for Public Safety (COPS) program was originally adopted in Assembly Bill 3229 (Brulte) 1996 with funding from the state general fund. COPS provides funding to support front-line law enforcement (city police, county sheriffs, and police protection districts); county jails; district attorneys for prosecution; and local juvenile justice programs (since 2000-01).

In FY 2000-01 the law was amended to provide a minimum frontline law enforcement allocation of \$100,000 to any local agency receiving funding under the program. These moneys must supplement existing services, and may not be used to supplant any existing funding for law enforcement services.

The City of Milpitas' FY 2020 COPS Grant award is \$115,531.00. The Police Department has assembled a grant funding spending plan. The Grant award is presented to the City Council as required by City of Milpitas Grant SOP 26-2a.

Analysis:

The City of Milpitas is not required to provide matching funds. California Government Code section 30062 specifies that these funds must be used exclusively to support front line law enforcement services. These funds shall be appropriated pursuant to a written request from the Chief of Police. The Milpitas Police Department recommends the following training, equipment, and supplies to support front line municipal police services, or equivalent, to be purchased with the FY 2020 COPS Grant:

1. Firearms Equipment and Training
2. Safety Equipment
3. Evidence Collection and Training
4. Canine Equipment
5. Equipment Storage System

Policy Alternatives:

Alternative 1: Refuse the 2020 COPS Grant of \$115,531.00.

Pros: There are no identified benefits to this alternative.

Cons: The police department would either not have the opportunity to purchase needed equipment or City general funds would be required to purchase the equipment.

Reason not recommended: The FY 2020 COPS Grant does not require matching funds nor are there any requirements that result in a negative impact.

Fiscal Impact:

There is sufficient funding in the FY 2020 COPS Grant to purchase the equipment and pay for services provided in this spending plan. Any unexpected spending beyond the grant allocation will be nominal and the police department's budget can absorb unexpected costs. A budget amendment to appropriate \$115,531 to the Police Department's FY 19-20 Operating Budget is needed.

California Environmental Quality Act:

N/A

Recommendations:

1. Accept the 2020 Citizen Options for Public Safety Grant in the amount of \$115,531.
2. Approve a budget appropriation in the amount of \$115,531.00 to the Police Department's FY 2019-20 operating budget.

Attachments:

- a) COPS grant 2020 spending plan
- b) Budget change form

MEMORANDUM

Milpitas Police Department



DATE: April 24, 2020

TO: Honorable Mayor and City Council

THROUGH: Steven McHarris, City Manager

FROM: Armando Corpuz, Chief of Police

SUBJECT: FY 2020 Citizen Options for Public Safety (COPS) Grant

The City of Milpitas anticipates receiving FY 20 COPS funds from the state pursuant to Government Code 30061-30063, in the amount of \$115,531. These funds must be used to support front line law enforcement services and must supplement and not supplant existing funding for front line law enforcement services. No city matching funds are required.

These funds shall be appropriated pursuant to written request from the Chief of Police of the law enforcement agency that provides police services for the city. The request shall specify the front line law enforcement needs of the requesting entity including the personnel, equipment, and programs that are necessary to meet those needs.

Below are recommended expenditures for COPS Grant monies for fiscal year 2020, including tax and shipping, as applicable:

| | | |
|---------------|---|------------------|
| 1. | Firearms Equipment and Training | \$9,959 |
| 2. | Safety Equipment | \$20,908 |
| 3. | Evidence Collection and Training | \$14,775 |
| 4. | Canine Equipment | \$5,500 |
| 5. | Equipment Storage System | \$64,389 |
| Total: | | \$115,531 |

Further specifics on these spending areas are as follows:

1. Firearms Equipment and Training (\$9,959):

The purchase of handguns, rifles, less-lethal devices, less-lethal ammunition, firearm accessories, and training equipment will maintain the firearm program inventory and ensure proper training in the use of the equipment and de-escalation techniques. The additional equipment will help ensure all personnel in the Field Services Division and specialty assignments, such as the Special Weapons and Tactics (SWAT) Team, and

the Investigations Unit, are properly equipped and trained with reliable and appropriate tools..

2. Safety Equipment (\$20,908):

Equipment designed for rapid field deployment will protect officers and citizens during critical incidents. Protective equipment, such as breaching tools, shields, rifle rated ballistic plates, carrier vests, and helmets, will ensure officers are properly equipped for violent and face paced encounters.

3. Evidence Collection and Training (\$14,775)

The Milpitas Police Department has a specialized evidence collection team that documents, processes, and responds to major incident scenes. The Police Department uses sophisticated evidence processing equipment at these scenes and officers are required to obtain specialized training to operate this equipment. This grant, in addition, will support the purchase of components so all features of the current system are fully operational.

4. Canine Equipment (\$5,500)

Police canines are used for a variety of reasons including suspect tracking, locating missing persons, and drug detection. Often, police canines are left secured in air-conditioned police vehicles while their handlers perform other job-related duties. Ensuring that the cooling system meant to keep a canine from overheating is fully operational in a police vehicle is critical to their safety. The Police Department will purchase equipment that will immediately and remotely notify an officer should the cooling system in the police vehicle fail or experience technical difficulties.

5. Equipment Storage System (\$64,389)

Officers are in urgent need of an area to appropriately store work related equipment. The current storage systems are almost 30 years old and need to be replaced. The purchase of new storage systems will allow officers to safely and appropriately store firearms and other work gear.

RECOMMENDATION:

Allocate 2020 COPS Grant funds for the above program areas.

City of Milpitas, California

BUDGET CHANGE FORM

| Type of Change | From* | | To* | |
|--|----------|-----------|--------------|-----------|
| | Account | Amount | Account | Amount |
| Check one: | 261-3567 | \$115,531 | 261-721-4503 | \$10,868 |
| <input checked="" type="checkbox"/> Budget Appropriation | | | 261-721-4223 | \$104,663 |
| <input type="checkbox"/> Budget Transfer | | | | |

Accept the 2020 Citizen Options for Public Safety Grant in the amount of \$115,531 and approve a budget appropriation to the Police Department's Operating Budget.

Background:

The Citizens Option for Public Safety (COPS) program was originally adopted in Assembly Bill 3229 (Brulte) 1996 with funding from the state general fund. COPS provides funding to support front-line law enforcement (city police, county sheriffs, and police protection districts); county jails; district attorneys for prosecution; and local juvenile justice programs (since 2000-01).

In FY 2000-01 the law was amended to provide a minimum frontline law enforcement allocation of \$100,000 to any local agency receiving funding under the program. These moneys must supplement existing services and may not be used to supplant any existing funding for law enforcement services.

The City of Milpitas' FY 2020 COPS Grant award is \$115,531.00. The Police Department has assembled a grant funding spending plan. The Grant award is presented to council as required by City of Milpitas Grant SOP 26-2a.

Analysis:

The City of Milpitas is not required to provide matching funds. California Government Code section 30062 specifies that these funds must be used exclusively to support front line law enforcement services. These funds shall be appropriated pursuant to a written request from the Chief of Police. The Milpitas Police Department recommends the following training, equipment, and supplies to support front line municipal police services, or equivalent, to be purchased with the FY 2020 COPS Grant:

1. Firearms Equipment and Training
2. Safety Equipment
3. Evidence Collection and Training
4. Canine Equipment
5. Equipment Storage System

Policy Alternatives:

Alternative 1: Refuse the 2020 COPS Grant of \$115,531.00.

Pros: There are no identified benefits to this alternative.

Cons: The police department would either not have the opportunity to purchase needed equipment or City general funds would be required to purchase the equipment.

Reason not recommended: The FY 2020 COPS Grant does not require matching funds nor are there any requirements that result in a negative impact.

Fiscal Impact:

There is sufficient funding in the FY 2020 COPS Grant to purchase the equipment and pay for services provided in this spending plan. Any unexpected spending beyond the grant allocation will be nominal and the police department's budget can absorb unexpected costs. A budget amendment to appropriate \$115,531 to the Police Department's FY 19-20 Operating Budget is needed.

California Environmental Quality Act: N/A

Recommendations:

Accept the 2020 Citizen Options for Public Safety Grant in the amount of \$115,531.

Approve a budget appropriation in the amount of \$115,531.00 to the Police Department's FY 2019-20 operating budget.

Attachments:

COPS grant 2020 spending plan

Budget change form

☒ **Check if City Council Approval required.**

Meeting Date: May 19, 2020

| | | |
|--|---|---------------------------|
| Requested by: | Department Head: Armando Corpuz | Date: May 19, 2020 |
| Reviewed by: | Finance Director: Walter C. Rossmann | Date: May 19, 2020 |
| Date approved by City Council, if required: | | Confirmed by: |

FI/24786/V

Form 30-222 (Rev. 1/92)



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|------------------------|---|
| Item Title: | Receive the 2019 General Plan Annual Progress Report and Authorize Submittal of the Report to the Governor's Office of Planning and Research (OPR) |
| Category: | Consent Calendar-Community Development |
| Meeting Date: | 5/19/2019 |
| Staff Contact: | Jay Lee, Principal Planner, 408-586-3077 |
| Recommendation: | Receive the 2019 General Plan Annual Progress Report and authorize the submittal of the report to the Governor's Office of Planning and Research (OPR). |

Background:

California Government Code Section 65400 mandates that all cities and counties submit an annual report on the status and progress on implementation of their General Plan, including the Housing Element, to their legislative bodies, the Governor's Office of Planning and Research (OPR), and the Housing and Community Development (HCD) by April 1 of each year. The intent of this statute is to ensure that the General Plan directs land use decisions and remains an effective guide for the long-term physical development of a community. It also provides local jurisdictions a tool to assess its effectiveness in implementing its General Plan.

On March 3, 2020, staff presented the 2019 Annual Progress Report (APR) for the Housing Element and 2019 Housing Successor Agency Annual Report to City Council, which authorized the submittal of both reports to HCD. Due to the significant strain on City staff and services resulting from the current COVID-19 pandemic, the City was unable to meet the usual April 1 deadline for the 2019 APR for the other elements of the General Plan, but HCD will accept an APR after the deadline. Therefore, staff requests that the City Council receive the 2019 General Plan Annual Progress Report (Attachment A) and authorize the submittal of the report to OPR.

Analysis:

The following information provides the status of the City's General Plan Update and a summary of the General Plan implementation highlights for calendar year 2019.

General Plan Update

The City of Milpitas adopted its current General Plan in 1994 and has made various amendments since then to incorporate several long-range planning documents and make minor revisions to reflect updated conditions. The General Plan was most recently amended in 2015 to update the Housing Element for the fifth housing element cycle (2015-2023) and accommodate the City's Regional Housing Needs Allocation (RHNA) adopted by the Association of Bay Area Governments (ABAG). However, the City and surrounding region have experienced significant growth and change since the last comprehensive update in 1994. Furthermore, the State has passed new laws related to climate change, multimodal transportation, and safety. Therefore, the City is currently in the process of updating its General Plan in response to the changing environmental, social, economic, and regulatory settings. The General Plan Update will establish a new planning horizon of 2040.

The City is nearing completion of its comprehensive General Plan Update, which will establish updated goals, policies, and implementation actions and address new planning issues such as air quality and energy, community design, and economic and fiscal sustainability. The project was initiated in 2016 and several key steps have been completed. These include:

- Comprehensive community outreach and visioning

- Existing Conditions Report
- Analysis of issues and opportunities
- Land Use Alternatives Report
- Comprehensive series of GPAC meetings to develop draft goals and policies
- Council selection of the preferred land use map

Staff and the consultant team are currently working to finalize the Administrative Draft General Plan. The California Environmental Quality Act (CEQA) Notice of Preparation is scheduled to go out in late June 2020, and preliminary work on the Draft Environmental Impact Report (DEIR) has commenced. The release of the Draft General Plan and DEIR is anticipated in late Summer 2020, and the project is on track to be completed and adopted in Winter 2020-21.

General Plan Implementation Highlights

The 2019 General Plan APR (Attachment A) provides the implementation highlights of the current General Plan by element. The City's key efforts to implement the goals and policies of the General Plan include but are not limited to comprehensive master plan updates and capital improvement projects.

The City completed, initiated, or continued updates to the following comprehensive master plans:

- Economic Development Strategy – Adopted May 2020
- Transit Area Specific Plan (TASP) – In progress
- Midtown Specific Plan – In progress
- Climate Action Plan (CAP) – In progress
- Trails Master Plan – In progress
- Bikeways Master Plan – In progress
- Parks and Recreation Master Plan – In progress
- Sewer Master Plan – In progress
- Water Master Plan – In progress

The City also designed or constructed capital improvements to transportation infrastructure, public utility systems, and public facilities. Refer to the 2019 General Plan APR (Attachment A) for a detailed description of each implementation activity.

Policy Alternative:

Alternative 1: Do not authorize the submittal of the General Plan APR to OPR.

Pros: None.

Cons: The City would not be in compliance with Government Code Section 65400, which mandates all cities to submit an annual report on the status and progress on implementation of their General Plan to OPR each year.

Reasons not recommended: The General Plan APR assists OPR in identifying statewide trends in land use decision-making and informs modifications to OPR's *General Plan Guidelines*. Failure to submit the General Plan APR to OPR would limit OPR's ability to consider local planning and development activities in refining statewide planning goals and policies.

Fiscal Impact:

Preparation of the General Plan Annual Progress Report and submittal of the report to HCD will result in no fiscal impact to the City.

Environmental Review:

The action being considered is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

Recommendation:

Receive the 2019 General Plan Annual Progress Report and authorize submittal of the report to the Governor's Office of Planning and Research (OPR).

Attachment:

A. 2019 General Plan Annual Progress Report

MEMORANDUM

Planning Department



DATE: May 19, 2020

TO: Governor's Office of Planning and Research

THROUGH: Steven McHarris, Interim City Manager

FROM: Jay Lee, Principal Planner

SUBJECT: 2019 General Plan Annual Progress Report

Background

The City of Milpitas adopted its current General Plan in 1994 and has made various amendments since then to incorporate several long-range planning documents and make minor revisions to reflect updated conditions. The General Plan was most recently amended in 2015 to update the Housing Element for the fifth housing element cycle (2015-2023) and accommodate the City's Regional Housing Needs Allocation (RHNA) adopted by the Association of Bay Area Governments (ABAG). However, the City has experienced significant growth and change since the last comprehensive update in 1994. Furthermore, the State has passed new laws related to climate change, multimodal transportation, and safety. Therefore, the City is currently in the process of updating its General Plan in response to the changing environmental, social, and regulatory settings. The General Plan Update will establish a new planning horizon of 2040.

Government Code Section 65400 mandates that all cities and counties submit an annual report on the status of the General Plan and progress in its implementation to their legislative bodies, the Governor's Office of Planning and Research (OPR), and the Housing and Community Development (HCD) by April 1 of each year. The intent of this statute is to ensure that the General Plan directs land use decisions and remains an effective guide for the long-term physical development of a community. It also provides local jurisdictions a tool to assess its effectiveness in implementing its General Plan.

On March 3, 2020, staff presented the 2019 Annual Progress Report (APR) for the Housing Element and 2019 Housing Successor Agency Annual Report to City Council, which authorized the submittal of both reports to HCD. Unfortunately, due to the significant strain on City staff and services resulting from the current COVID-19 pandemic, the City was unable to meet the April 1 deadline for the 2019 APR for the other elements of the General Plan. In consideration of the unprecedented constraints on staff time and resources during this pandemic, the City requests that OPR accept this report as fulfilling the mandate in Government Code Section 65400.

General Plan Update

The City is nearing completion of its comprehensive General Plan Update, which will establish updated goals, policies, and implementation actions and address new planning issues such as air quality and energy, community design, and economic and fiscal sustainability. The project was initiated in 2016, and several key steps have been completed. These include:

- Comprehensive community outreach and visioning
- Existing Conditions Report
- Analysis of issues and opportunities
- Land Use Alternatives Report
- Comprehensive series of GPAC meetings to develop draft goals and policies
- Council selection of the preferred land use map

MEMORANDUM

Planning Department



Staff and the consultant team are currently working to finalize the Admin Draft General Plan. The California Environmental Quality Act (CEQA) Notice of Preparation is scheduled to go out in late June 2020, and work on the Environmental Impact Report (EIR) has commenced. The project is on track to be completed and adopted later in 2020.

Implementation Highlights by General Plan Element

Below is the City's annual progress toward implementation of the current General Plan by element.

Land Use Element

- **Transit Area Specific Plan (TASP) Update:** The City is currently updating the TASP, which was adopted by the City Council in June 2008 and amended in December 2011. The TASP area is concentrated around the new Milpitas Transit Center, which includes Bay Area Rapid Transit (BART) and Santa Clara Valley Transportation Agency (VTA) Light Rail and bus stations. The TASP area has enjoyed significant residential development in the recovery from the Great Recession of 2008. Of the 7,109 potential dwelling units approved in the original 2008 TASP, over 6,900 units have been entitled, constructed, occupied, or are currently within the entitlement process. However, only a small amount of the commercial space proposed in the TASP is entitled or under construction to date, and there are nearly 170 acres within the TASP area that have not been redeveloped. Furthermore, there are sites beyond the current boundary that could be annexed into the TASP. The TASP update will leverage these development opportunities to reinforce the 2008 TASP's vision for a high-density urban neighborhood with a mix of land uses around the Transit Center. The TASP update will also enhance pedestrian and bicycle access throughout the TASP area to complement these high-density mixed-use neighborhoods. **Policies 2.a-I-31 and 2.a-I-32**
- **Midtown Specific Plan Update:** The City is currently updating the Midtown Specific Plan, which was adopted by the City Council in March 2002 and amended in November 2010. The Midtown Specific Plan will be renamed the "Calaveras Gateway/Main St. Milpitas Specific Plan" to reflect new boundaries and a new strategic focus on key redevelopment areas. The Gateway/Main St. Plan area, which contains the original commercial and industrial core of the City, has undergone significant changes related to its growing role as a housing and employment center. Development activity over the past several years has included approval or construction of 1,200 multi-family residential units, reinvestment and upgrades to the Great Mall, and extension of VTA's Tasman East Light Rail Transit (LRT) line. However, several vacant and underutilized sites remain within the Gateway/Main St. Plan area and there is significant potential for development and redevelopment. The Gateway/Main St. Plan will provide policies and guidelines and identify improvements to streetscapes, infrastructure, and public open spaces to facilitate this area's transition into an attractive and economically vital district with a compatible mixture of residential, retail, office, and service-oriented commercial uses served by a viable multi-model transportation network. **Policies 2.a-I-29 and 2.a-I-30**
- **Urban Growth Boundary:** The City passed Measure I in November 2016 to continue the City's urban growth boundary established by Measure Z in 1998, which was set to expire in 2018. The urban growth boundary, which limits development in Milpitas to the valley floor and the base of the foothills by prohibiting the City from providing services to new land use developments in the hillside area, will now continue through December 31, 2038. The City's Urban Service Area boundary established by the Santa Clara County Local Agency Formation Commission (LAFCO) is coterminous with the City's urban growth boundary. **Policy 2.a-I-2**

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- **Zoning Ordinance:** The City's Zoning Ordinance is one of the primary implementation tools for the Land Use Element goals and policies. A Zoning Map, consistent with the General Plan Land Use Map, is also part of the Zoning Ordinance. Together, the Zoning Ordinance and Zoning Map are used to identify the specific types of use, intensity, and development standards applicable to given parcels or areas of land. The City ensures that amendments to the Zoning Ordinance and Zoning Map are consistent with the Land Use Element. The Zoning Ordinance and Zoning Map, therefore, are consistent with the City's General Plan. Additionally, the City limits the number of amendments to the General Plan to four per year and ensures that amendments fulfill the City's broader objectives and benefits the community at large in keeping with Guiding Principle 2-a-G-11. **Policy 2-a-I-1**
- **Hillside Ordinance:** The City's Hillside Ordinance established the Hillside Combining District (Municipal Code Section XI-10-45.09), which promotes and encourages the orderly development of the hillside area of the City. The Hillside Ordinance provides regulations to ensure that development is in keeping with the natural character of the hillside, minimize grading of and alterations to hillsides, and address constraints associated with hillside development including geologic issues, slopes, access, and visibility. New developments in the Hillside Combining District are subject to these regulations and require review by the Planning Commission and approval by the City Council for compliance with the Hillside Site and Architectural Guidelines. **Policies 2.a-I-23, 2.a-I-25, and 2.a-I-26**
- **Economic Development Strategy:** The City and surrounding Silicon Valley region have changed significantly since the City's last economic development strategy was approved in 2006. As such, in May 2020, the City adopted~~is currently in the process of preparing~~ a new Economic Development Strategy (EDS) that will guide the City's efforts over the next five years to grow the local economy and foster local economic health, diversity, and vibrancy. ~~Staff will present the EDS to the City Council on May 5, 2020, for final consideration.~~ As part of this effort, the consultant prepared an Industry Data Analysis Report, which summarizes the existing conditions and dynamics of the local economy to identify the City's strengths, weaknesses, and opportunities for future growth. The City is also currently conducting a Real Estate Analysis, which will identify catalyst sites throughout the City for future redevelopment. **Policies 2.a-I-3 through 2.a-I-13**^{[HH1][JL2]}
- **Public Facilities and Utilities:** The City maintains its public facilities and utilities to ensure that vital public services are available to its citizens. As part of its development review process, the City confirms that the development will be adequately served by public facilities and utilities by requiring public improvements when necessary and collecting development impact fees to defray all or a portion of the cost of public facilities and improvements necessary to serve the new development. A detailed discussion of the various public facilities and utilities is provided below. Several relevant topics including fire safety, parks and recreation, and stormwater are discussed in the implementation highlights for other General Plan elements, which provide more detailed policies regarding these topics.
 - **Water Services:** The City's Urban Water Management Plan (UWMP) provides a framework for long term water planning to ensure adequate water supplies through the year 2040 and establishes a water use target that aids in meeting the State's goal of reducing water use by 20 percent by 2020. The City is in the process of updating its Water Master Plan, which will guide the City's decisions on water infrastructure investments over the next 20 years and incorporate the water needs associated with the TASP and Midtown Specific Plan updates. Following a Water Supply Augmentation Feasibility Report completed in 2015, the City has concentrated its CIP efforts in utilizing groundwater wells, expanding the existing recycled water supply delivery and treatment infrastructure, and continued conservation efforts.

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- Wastewater: The City is in the process of updating its Sewer Master Plan, which includes a summary of the City's wastewater collection system, flow projections, an analysis of the system's capacity, and a summary of the capacity improvements that are needed. The update will incorporate the sewer needs associated with the TASP and Midtown Specific Plan updates. The City's Sewer System Management Plan (SSMP) provides a plan to properly operate and maintain the sanitary sewer collection system. The SSMP aims to prevent sewer outflow, provide adequate capacity to convey peak flows. The City experiences very few sewer system overflows and the required system improvements have been incorporated into the CIP.
- Police Protection: The City contains one police station with a Communications Center that coordinates information from 9-1-1 callers to responders in the field. The City is currently meeting its goal for response times to emergency calls of 3 minute or less. Although the new BART station is expected to increase demand for police services, the General Plan Update will evaluate the need for service improvements. The adequacy of police services is also evaluated for any projects subject to CEQA.
- Schools: Mabel Mattos Elementary School opened its doors with the start of the new school year in August 2018. With the completion of Phase I, the school will start by serving 238 students. Additional funding is needed for Phases II and III, which are expected to be completed by 2020 and 2022. The school will eventually accommodate approximately 700 students.

Policies 2-d-I-1 to 2.d-I-5

Circulation Element

- **Trails and Bikeway Master Plans Update:** The City is currently updating the Trails and Bikeway Master Plans, which were adopted by City Council in June 1997 and June 2009 respectively. The Trails Master Plan describes and maps approximately 35 miles of trails, 6 miles of which have been built. The Trails Master Plan Update will identify gaps in the trail system and provide recommendations to increase safety and accessibility for all trail users, support economic development, and enhance the quality of life for area residents. The Bikeway Master Plan recommends bicycling projects with cost estimates and priorities for implementation, identifies funding sources, and provides design guidelines with best practices for implementing bikeways. The Bikeway Master Plan Update will identify ways to enhance and expand the existing bikeway network. Improvements may include the installation of new green bike lanes, buffered bike lanes, and bike trails. The update will also evaluate bicycle/scooter share programs, assess pedestrian networks, identify pedestrian priority areas, and recommend related policies for implementation. **Policies 3.b-I-5, 3.d-I-2, 3.d-I-4, 3.d-I-19, and 3.d-I-21**
- **Development Review and Traffic Impact Fees:** As part of its development review process, the City requires private development projects to implement traffic mitigation measures to address potential impacts and deficiencies created by the project and identified in the transportation impact analysis. Required mitigation measures include improvements to transportation infrastructure and transportation demand management (TDM) -programs. Additionally, the City collects both citywide and area-specific traffic impact fees to fund and construct transportation improvements. Furthermore, the VTA serves as the Congestion Management Agency for Santa Clara County and maintains the County's Congestion Management Program (CMP), which includes several intersections within Milpitas. Although traffic congestion is no longer considered a potentially significant impact under the California Environmental Quality Act (CEQA) in accordance with Senate Bill (S.B.) 743, the City will continue to utilize level-of-service (LOS) analysis to address local traffic congestion while transitioning to vehicle miles traveled

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(VMT) as the new metric for assessing transportation impacts under CEQA. **Policies 3.a-I-3, 3.a-I-4, 3.a-I-5, 3.b-I-1, and 3.b-I-2**

- **Capital Improvement Program (CIP):** Consistent with the Circulation Element goals and policies, the City also made significant investment in transportation infrastructure and safety improvements through its CIP, which is updated every year. The significant transportation-related projects are discussed below.
 - Enhanced Crosswalk Striping & Beacons: This project provides high visibility crosswalk striping and pedestrian actuated flashing beacons to facilitate safer pedestrian crossings at high vehicle and pedestrian volume intersections along school and bike routes and in residential areas. Four locations have been completed and eight additional locations are proposed.
 - Street Resurfacing Program: This annual program provides for roadway pavement repair, rehabilitation, and/or reconstruction. The program includes replacement and upgrade of curb, gutter, driveway, and sidewalk. The program also includes implementation of Class II bike lanes and Class III bike route facilities as described in the City's Bikeway Master Plan.
 - ADA Curb Ramp Transition Program: This annual program involves citywide replacement or upgrade of existing curb ramps to current standard Americans with Disabilities Act (ADA) compliant ramps. The program also includes construction of segments of new sidewalk to close gaps and allow the City to be eligible for future Federal transportation aid funds.
 - S. Milpitas Blvd. Extension: The City entered into an agreement with VTA in August 2010 to extend S. Milpitas Blvd. from Montague Expressway to the edge of the new Milpitas BART Station frontage. VTA agreed to construct the extension for the City in conjunction with the new Milpitas BART Station. VTA completed the extension, and the City has reimbursed VTA for improvements and is working with VTA to acquire the right-of-way.
 - S. Milpitas Blvd. Vehicular Bridge at Penitencia Creek: Design of the project is underway. The project will provide a vehicular bridge over Penitencia Creek at the end of the new S. Milpitas Blvd. Extension. The vehicular bridge is part of the TASP circulation infrastructure improvement to provide safe and convenient pedestrian connectivity within the TASP area.
 - Montague Pedestrian Overcrossings: These projects will provide a pedestrian overcrossing over Montague Expressway at Piper Drive and the east levee of Penitencia Creek. The overcrossing at Piper Drive is in the construction phase and the overcrossing at Penitencia Creek is in the design phase. These projects are part of the TASP circulation infrastructure improvements to provide safe and convenient pedestrian connectivity within the TASP area.
 - TASP On-Street Signage Program: This recently completed project provides for a TASP area on-street parking program including installation of time limited parking signage within 0.5 mile of the new Milpitas BART Station. The goal of the project is to encourage on-street parking supply turnover so that nearby residents and the public have parking opportunities to access nearby parks and retail destinations and discourage BART commuters from occupying on-street parking for prolonged periods of the day.
 - Shuttle Study: This recently completed study evaluated the potential for a citywide shuttle system to address the first and last mile transit gaps for major employers in the City. The study explored the most effective routes, locations, times, types of partnerships, system costs, implementation schedule, budget, and funding opportunities.

Policies 3.b-I-4, 3.c-I-4, 3.d-I-1, 3.d-I-3, 3.d-I-6, 3.d-I-11, 3.d-I-13, and 3.d-I-24

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Open Space & Environmental Conservation Element

- **Parks & Recreation Master Plan Update:** The City is currently updating the Parks and Recreation Master Plan, which was adopted in 2008, to include City recreational facilities and parks in the TASP and Midtown areas. The update will include an existing conditions assessment of all parks and recreation facilities, public engagement and outreach, a strategic plan to provide high-quality accessible parks and recreation facilities, and a programming and growth assessment. **Policies 4.a-I-1 and 4.a-I-9**
- **Park Dedication or In-Lieu Fee:** As part of its development review process, the City requires private development projects to either dedicate land or pay a park in-lieu fee (based on project square footage) to fund improvements to parks and recreation facilities to meet the additional demand for such facilities resulting from new developments and achieve the goals and policies of the Recreation Master Plan. **Policy 4.a-I-2**
- **Parks & Recreation Facilities Improvements:** Consistent with the Open Space & Environmental Conservation Element goals and policies, the City also made significant investment in parks and recreation facilities through its CIP. The significant projects are discussed below.
 - Citywide Park Rehabilitation: The City assessed and rehabilitated citywide park playgrounds needing minor improvements. Work includes additional fill material to meet fall attenuation, play equipment repairs, signage installation, and minor improvements to park lighting, pathways, restrooms, and snack shacks.
 - Minor Sports Courts Rehabilitation: The program provides for the rehabilitation of one to two sports courts annually. Two tennis courts were rehabilitated in 2019 and additional renovations are expected in fiscal year 2020-2021.
 - Sports Field Turf Rehabilitation Program: The program is underway and provides for turf rehabilitation at City sports fields. Work includes re-sodding, re-seeding, irrigation repairs, and other minor rehabilitations.
 - Park Renovations: The City began renovation of two neighborhood parks (Sandalwood Park and Creighton Park). Improvements include new picnic and playground areas, new dog park area, ADA access and path improvements, new restrooms, and upgraded lighting, irrigation, and landscaping.
 - New Parks: The City began design or construction of several new parks (Trade Zone/Montague Park – North, McCandless Park, and Sports Center Skate Park). These new parks will add approximately 9.5 acres of new parkland.

Policies 4.a-I-1, 4.a-I-7 and 4.a-I-10

- **Climate Action Plan (CAP):** In compliance with Assembly Bill (A.B.) 32 and S.B. 375, the City adopted its CAP in May 2013. The CAP is designed to streamline environmental review of future development projects in the City, consistent with CEQA Guidelines Section 15183.5(b). The CAP identifies an overall strategy, baseline emissions and forecasts, reduction measures, and implementation strategies to achieve the State-recommended greenhouse gas (GHG) emissions reduction target of 15 percent below 2005 emission levels by 2020. The City is currently updating its CAP with new programs to meet the State's new mid- and long-term statewide emissions targets (40 percent reduction below 1990 levels by 2030 and 80 percent reduction below 1990 levels by 2050).

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- **Stormwater & Drainage:** The City participates in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). The SCVURPPP and member agencies implement programs aimed at reducing pollutants in stormwater runoff and protecting water quality of the San Francisco Bay and Santa Clara Valley creeks and rivers. The City also requires post-construction stormwater controls on development projects as part of its obligations under Provision C.3 of the Bay Area Municipal Regional Stormwater Permit (MRP). Furthermore, the City's Storm Drain Master Plan identifies the capital improvements needed to maintain recommended levels of protection against stormwater runoff, which have been incorporated into the CIP. **Policies 4.d-P-1 to 4.d-P-3, 4.d-P-7 to 4.d-P-9, 4.d-P-12, and 4.d-A-1 to 4.d-A-7**
- **Energy Use:** The Open Space and Conservation Element currently does not provide any goals or policies related to energy use. However, the Housing Element provides a policy and set of programs to promote energy efficiency in residential developments and the General Plan Update will provide policies addressing energy consumption in all sectors (i.e., residential and nonresidential development, transportation, etc.) in a new Air Quality and Energy Element. As part of its development review process, the City requires new buildings to comply with the State's Energy Efficiency Standards for Residential and Nonresidential Buildings and offers expedited building permit processing for residential projects achieving Build It Green's GreenPoint Rated standard and for commercial and industrial projects achieving the Leadership in Energy and Environmental Design (LEED) Silver rating. The General Plan Update will also provide policies to increase renewable energy generation and consumption to meet the State's renewable energy mandates. Furthermore, in 2017, the City joined Silicon Valley Clean Energy (SVCE), which is a community-owned agency serving Santa Clara County communities by acquiring and offering clean, carbon-free electricity. **Housing Policy F.1**

Seismic and Safety Element

- **Development Review Process:** One of the ways the City strives to minimize risk from geologic, fire, and flood hazards is through its development review process as discussed below.
 - **Seismic and Geologic Hazards:** The City requires development projects in hillsides or fault zones to submit a geotechnical report, reviews the findings of the report, and conditions projects to adhere to the report's recommendations. Projects subject to CEQA are also analyzed for potential geotechnical impacts and mitigation measures are required as necessary. **Policies 5.a-I-1 to 5.a-I-3**
 - **Fire Hazards:** The Milpitas Fire Department reviews and inspects projects during the development review process to ensure that all new developments comply with the Uniform Fire Code and other local fire safety regulations. **Policy 5.c-I-3**
 - **Flood Management:** The City coordinates with the Santa Clara Valley Water District while reviewing development projects to ensure that buildings and structures are located, designed, and constructed in a manner that minimizes flood risks and complies with the City's floodplain management regulations, which provide standards for any construction or other development within any area of special flood hazard. **Policies 5.b-I-1 to 5.b-I-3**
- **Fire Safety:** The Fire Department operates four fire stations within its service area. The average response time in 2019 was 4 minutes, 31 seconds, which is slightly over the City's response goal of 4 minutes. The City maintains its fire stations through regularly scheduled minor improvements. However, design of a new Fire Station No. 2 is underway, and major building and site improvements at Fire Station No. 1 and a new Fire Station No. 3 are identified in the CIP as future projects. The Fire

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Department also performs routine fire inspections of existing buildings, structures, and properties in the City with the exception of single and multi-family dwellings in which the owner of the property resides.

Policies 5.c-I-1

- **Emergency Preparedness:** The Milpitas Fire Department Office of Emergency Services (OES) coordinates the City's preparedness efforts to mitigate against, plan for, respond to, and recover from natural disasters. The OES maintains the City's Emergency Operations Plan (EOP), which provides a blueprint for emergency management within the City and requires the development of departmental Standard Operating Procedures (SOPs). The City also partnered with Santa Clara County and other local jurisdictions to prepare the Santa Clara Operational Area Hazard Mitigation Plan, which is an updated multi-jurisdictional hazard mitigation plan that assesses local hazard risks and recommends a tailored and coordinated mitigation strategy to improve the resiliency of the County. The OES actively implements the recommendations of these emergency plans by keeping the Emergency Operation Center in a state of readiness and training citizens in basic disaster response through the Community Emergency Response Team (CERT). **Policies 5.d-I-1 and 5.d-I-2**

Noise Element

- **Development Review Process and Enforcement:** As part of its development review process, the City conditions development projects to comply with the City's noise regulations the Milpitas Municipal Code and noise compatibility standards in the Noise Element of the General Plan. Additionally, projects subject to CEQA are required to analyze potential noise impacts resulting from the project and mitigation measures are required to mitigate any significant noise impacts. The City's Neighborhood Services Division and the Milpitas Police Department jointly enforce the City's noise regulations, project conditions of approval, and CEQA mitigation measures to ensure compliance throughout the City. **Policies 6-I-1, 6-I-2, 6-I-4, 6-I-5, 6-I-7, and 6-I-9 through 6-I-13**
- **General Plan Update:** As part of the General Plan Update, the City has prepared an Existing Conditions Report, which analyzed existing noise levels throughout the City. The analysis in the Existing Conditions Report will inform the update of the Noise Element goals and policies, which will reflect and account for the significant changes in the noise environment since 1994.

Housing Element

On March 3, 2020, staff presented the 2019 APR for the Housing Element and 2019 Housing Successor Agency Annual Report to City Council, which authorized the submittal of both reports to HCD. The Annual Progress Report for the Housing Element, which the City submitted to the California Department of Housing and Community Development (HCD), is attached to this memo.

Conclusion

This report documents the City's recent progress in implementing the General Plan. The information contained herein will be forwarded in the form of a letter to OPR~~the Governor's Office of Planning and Research~~ to serve as the City of Milpitas's General Plan Progress Report for 2019.

Attachment: ~~Housing Element Progress Report for 2019~~



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|------------------------|--|
| Item Title: | Approve and Authorize the City Manager to Execute Amendment No. 1 to the Agreement with De Novo Planning Group for the General Plan Update Extending the Term of Service Date from February 28, 2019 to December 31, 2021 |
| Category: | Consent Calendar-Community Development |
| Meeting Date: | 5/19/2020 |
| Staff Contacts: | Jessica Garner, Planning Manager, 408-586-3284 Chris Schroeder, Purchasing Agent, 408-586-3161 |
| Recommendation: | Approve and authorize the City Manager to execute Amendment No. 1 to the agreement with De Novo Planning Group for the General Plan update to extend the term of service date from February 28, 2019 to December 31, 2021. |

Background:

The City of Milpitas adopted its current General Plan in 1994. Over time, the General Plan has been amended several times to include the following:

- Incorporate the Midtown Specific Plan in 2002;
- Include the Transit Area Plan in 2008;
- Integrate the City's Park and Recreation Master Plan and Bikeway Master Plan as well as to make minor revisions to update various exhibits, tables, and figures to include land use changes and reflect changing conditions in 2010; and,
- Update the Housing Element in 2015.

While the City has made various amendments to incorporate new planning documents, the City has grown and changed significantly since the last comprehensive update to the General Plan in 1994. Additionally, new laws affecting General Plans have been passed, new social and environmental issues have emerged, and new planning strategies and practices have been developed. These changes require a reevaluation of the existing General Plan and confirmation of the vision for Milpitas. The update also brings the General Plan into compliance with new laws related to climate change, multimodal transportation, and safety. This General Plan update looks ahead to the year 2040, making adjustments based on current issues and emergent trends, and positioning the City of Milpitas for high-quality growth and development over the next 20 to 25 years.

In 2016, the City Council directed staff to prepare a comprehensive update to the Milpitas General Plan. On May 9, 2016, De Novo Planning Group (De Novo) entered into a Consulting Services Agreement (Agreement) for a comprehensive General Plan update for the maximum amount of \$1,200,000.00, and with a term period of May 9, 2016 to February 28, 2019.

De Novo has been making steady progress toward completion of the General Plan update, including finalization of the remaining elements, completing the draft Plan and Draft Environmental Impact Report (DEIR) to be reviewed by the General Plan Advisory Committee and City Council prior to its release for public review and comment period in early summer. The DEIR will meet the requirements of the California Environmental Quality Act (CEQA) and provide thorough analysis of potential environmental impacts from implementation of the General Plan. The EIR will also provide the public, the Planning Commission, and the City Council with a useful tool to evaluate and consider the full impact of the updated General Plan on the overall community.

Analysis:

While preparing the General Plan Update, the following set of issues to be addressed by the update to the General Plan were identified by staff and confirmed by the City Council and Planning Commission:

- Land Use
- Housing (adopted in 2015)
- Circulation
- Noise
- Safety
- Conservation and Open Space
- Community Design
- Flood Management
- Parks and Recreation
- Water
- Community Health and Wellness
- Economic Development

The City Council appointed several community members to serve on a General Plan Advisory Committee (GPAC) to help guide the process. The GPAC held 12 meetings between June 2016 and October 2018. In addition to providing valuable feedback to the consultant team and staff on the Community Visioning workshops, Existing Conditions Report, and various draft policy sets, the GPAC also reviewed and discussed the draft Land Use Alternatives Report and provided recommendations to the Council.

On May 21, 2019, the Council reviewed the recommendations from the GPAC and provided direction to the consultant team and staff on a Preferred Land Use Map. The Council also requested additional analysis for those Opportunity Areas where opinions were varied and directed the consultant team and staff to return with clear recommendations for land uses in those areas.

On October 8, 2019, the consultant team and staff provided land use recommendations, received direction from the Council to finalize the Preferred Land Use Map.

On February 7, 2020, the Planning Director provided an Informational Memo to the City Council to confirm the direction given by the City Council at the study session held on October 8, 2019. Based on direction received from the City Council, De Novo is now moving forward with preparation of the draft General Plan Update document and DEIR. These draft documents will be presented to the GPAC and the City Council later this year for further consideration.

Major steps currently underway in the Plan Update process include finalizing the Goals, Policies, and Actions that comprise each of the General Plan Elements (chapters) and completing the environmental impact analysis required under the California Environmental Quality Act (CEQA). Staff expects to return to the Council for review and discussion after the draft General Plan Update document and DEIR are released later this summer. The draft General Plan Update and DEIR will also include additional community outreach and Planning Commission hearings before final consideration for City Council approval.

The original term of services in the Agreement to complete the General Plan update was February 28, 2019. Noting there has been a significant lapse in time since the expiration of the original Agreement, staff seeks to extend the term of the Agreement for an additional thirty-four months retroactively and amend the Scope of Services and Compensation Schedule accordingly to reflect the new completion deadline of the General Plan update to no later than December 31, 2021. This will allow ample time to for the consultants to complete all work on the General Plan update and any follow-up tasks related to initial implementation and recording of documents. It is important to note that during the last four months, the Finance Department has implemented a contract management database for active contracts originated in Purchasing alerting staff six months in advance regarding expiration of contracts. Since this contract expired over a year ago, this contract was not captured.

Following the City Council's initial review of the Draft General Plan, both the General Plan and DEIR will be released for a six-week public review and comment period. Members of the public will be invited to review and

comment on the documents. All public comments will then be presented to the City Council for their review and considerations during adoption hearings. A public workshop will be held during the public review period. The workshop will include an overview of the documents, provide an opportunity for the community to ask questions, and provide opportunities for feedback and input on the Draft General Plan and DEIR. The public review period is anticipated to occur in the summer of 2020. Following the review period, a Final Environmental Impact Report (FEIR) will be prepared by De Novo that responds to all public comments received, including amendments to the DEIR as necessary. The FEIR must be certified by the Council prior to or concurrent with adoption of the General Plan.

While De Novo has been making steady progress on the Plan update, neither the consultant nor City staff were aware of the significant lapse in the contract expiration. Despite the lapse, staff has been making steady progress towards completion of the lengthy project, regularly providing updates and seeking direction from the City Council on project milestones. During the past year, staff has processed invoices for De Novo and anticipates a completion date for the draft Plan and DEIR to be ready by late summer with a goal of certifying the FEIR and adopting the General Plan by Winter, 2020. To date, all consultant work has been completed on time in a satisfactory manner and within the budget and scope of the project. Staff is not requesting to increase the contract amount for the remaining deliverables, and an updated Scope of Services and budget, with completion dates for those items that have already been completed and anticipated delivery dates for all remaining deliverables, are included for the Council's review.

Policy Alternative:

Alternative: Deny the authorization of the amendment to extend the term of service for the Agreement to De Novo to complete the General Plan Update.

Pros: The expired contract would not require an amendment, and no further work on the Plan update would occur.

Cons: The General Plan Update is an approved City Council priority and nearing completion after several years of work and much anticipation in the community. Denying the amendment would require staff to request additional CIP funds to initiate a new General Plan Update, hire a new consultant, and restart the process. This would delay adoption of a much-needed General Plan Update by several years and nullify the significant work and progress achieved by both the City Council and the community.

Reason not recommended: The time and cost delays of halting the project and starting over again are neither cost-effective nor sensitive to the progress and achievements of the Plan update to date. The City should have an updated General Plan to guide future land use decisions.

Fiscal Impact:

There is no additional fiscal impact to the budget. The total not-to-exceed contract amount of \$1.2 million is fully encumbered and there's an unspent amount of approximately \$519,000 remaining in the contract.

California Environmental Quality Act:

The City will prepare a full Environmental Impact Report (EIR) as part of the General Plan Update project. The current phase of the overall process is not a project under CEQA.

Recommendation:

Approve and authorize the City Manager to execute Amendment No. 1 to the agreement with De Novo Planning Group for the General Plan update to extend the term of service date from February 28, 2019 to December 31, 2021.

Attachments:

- a) Amendment No. 1 to Agreement with De Novo Planning
- b) 2016 Executed Agreement with De Novo



**AMENDMENT NO. 1
TO CONSULTING SERVICES AGREEMENT
WITH
DE NOVO PLANNING GROUP
FOR
CITY GENERAL PLAN UPDATE**

This Amendment No. 1 is entered into this _____ day of May 2020, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "City"), and **De Novo Planning Group**, a California Corporation (hereafter referred to as "Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties" in this Amendment No 1.

RECITALS

WHEREAS, on May 9, 2016, the Parties entered into a Consulting Services Agreement for the preparation of the City's General Plan Update (the "Agreement") in an amount not to exceed \$1,200,000.00, and with a term period of May 9, 2016 to February 28, 2019; and

WHEREAS, the Parties now desire to amend the Agreement by retroactively extending the term period expiration date of February 28, 2019 for an additional 34 months to December 31, 2021, and to amend the Scope of Services and Compensation Schedule accordingly.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, the Parties agree to amend the Agreement as follows:

1. Subsection 1.1 (Term of Services) is deleted and replaced in its entirety with the following:
 - 1.1 **Term of Services**. "The term of this Agreement shall begin on **May 9, 2016** and shall end on **December 31, 2021**, and Consultant shall complete all the work described in Exhibit A prior to that date, unless the term of the agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the City's right to terminate the Agreement, as provided for in Section 8."
2. Exhibit A (Scope of Services) to the Agreement is deleted and replaced with Exhibit A-1 (Scope of Services), attached hereto and incorporated herein.
3. Exhibit B (Compensation Schedule) to the Agreement is deleted and replaced with Exhibit B-1 (Compensation Schedule), attached hereto and incorporated herein.

4. All other provisions of the Agreement not amended by this Amendment No. 1 shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 as of the date first written above.

CITY OF MILPITAS

Approved By:

Steven G. McHarris, Interim City
Manager

Date

Approved As To Form:

Christopher J. Diaz, City Attorney

Approved:

Walter C. Rossmann, Risk
Manager/Director of Finance

Approved As To Content:

Ned Thomas, Planning Director

DE NOVO PLANNING GROUP

Signature

Name

Title

Date

DIR Registration Number (If
Applicable)

EXHIBIT A-1

SCOPE OF SERVICES

TASK 1

Consultant shall meet with staff to establish an initial three-month schedule of events and work product. The schedule shall be detailed by task and time and presented in CPM format. This initial three-month schedule shall be regularly updated such that within one week prior to the completion of the initial three-month work plan Consultant shall provide a detailed CPM schedule for the next three months for review by staff. This process shall continue through the time of this Agreement.

Completed (June 2016)

TASK 2

Consultant shall work with staff to prepare a report to the City Council recommending the constituents of a General Plan Advisory Group to provide advice and recommendations to the Consultants and staff regarding all aspects of the General Plan. Within this report, Consultant shall also prepare and provide a recommended schedule of meetings and topics for the Advisory Group. The Consultant shall also prepare and provide recommendations regarding other public meetings, such as with community groups, neighborhood associations, housing advocates, developers, outside agencies, and City Council and Planning Commission. Within this Task, Consultant shall also initiate design and implementation of a website and a community newsletter in coordination with City staff.

Completed (September 2016)

TASK 3

Consultant shall prepare an Existing Conditions Report that will serve as the baseline for programs and goals in the General Plan. The technical reports and analyses shall be coordinated with appropriate City staff, as determined by the Planning Director. At a minimum, the Existing Conditions Report shall provide information and data on the following areas:

- Land Use
- Population and Housing
- Economic Development
- Circulation
- Community Services and Facilities (including schools)
- Utilities
- Public Safety
- Parks and Recreation
- Noise
- Cultural Resources
- Conservation
- Hydrology

- Hazards and Hazardous Materials
- Biological Resources
- Air Quality
- Geology
- Mineral and other resources
- Aesthetics and Visual Resources

Completed (May 2017)

Task 4

Consultant shall prepare an Opportunities and Constraints Report based on public meetings, meetings with staff and other City representatives, and the Existing Conditions Report. The Report shall be structured with the topics to be included in the Final General Plan. The final topics and structure shall be those established with staff in Task 1. Within this Task, Consultant shall prepare a Land Use Alternatives report. The land use alternatives shall be evaluated with respect to each alternative's consistency with the vision expressed by the community and other specific factors and constraints as agreed to by staff. Within the Land Use Alternatives, consultant shall also prepare an Economic Analysis of the Land Use Alternatives evaluated and described within the Land Use Alternatives Report.

Completed (September 2018)

Task 5

Consultant shall prepare the new General Plan. The initial work product shall be an Administrative Draft for review and approval by staff. This Administrative Draft shall contain all elements and topics of the General Plan as agreed to in Task 1. Upon review and coordination with staff, Consultant shall prepare a screen-check Draft General Plan for presentation to the public at forums as agreed to by staff. Upon completion of a public review process, Consultant shall incorporate all comments and changes as directed by staff to prepare the Final General Plan document.

Ongoing

Task 6

Consultant shall prepare the Environmental Impact Report for the General Plan. Consultant shall prepare an Administrative Draft for review and approval by staff. Based on comments from staff, Consultant shall prepare a Draft Environmental Impact Report for public circulation. It shall be the responsibility of Consultant to assure circulation to reviewing agencies and other interested parties. Consultant shall assist staff in preparing and presenting the Report to the public through scoping sessions, Planning Commission hearings, and City Council hearings. Consultant shall prepare a Final Environmental Impact Report in conformance with the requirements of state law and assist staff in the completion of all administrative requirements associated with certification and recordation of the Final Report.

Ongoing

Task 7

Consultant shall coordinate with staff and the Milpitas Economic Development Commission directly, as the Steering Committee to prepare an Economic Development Strategic Plan based on the Fiscal Impact Report prepared as an integral portion of the General Plan. Consultant shall

1. Meet with the Commission at least five times during the development and completion of the Strategic Plan
2. Based on the Conditions and Trends report prepared as part of the Draft General Plan, conduct any additional research (e.g., interviews with stakeholders, business surveys, etc.), as directed by staff or the Commission
3. Prepare Draft Goals, Policies, Strategies Document
4. Revise Draft Strategic Plan, based on Commission, public, and staff comments and directions.
5. Prepare Final Strategic Plan Document

TBD. Start of this task is not yet authorized by City.

Additional Services

Upon written request by Consultant or staff work related to the project but not specifically anticipated in this Agreement, the Consultant may be requested to provide a specific request for funds and/or time. Staff will review such request and issue a written acceptance or denial.

Ongoing

EXHIBIT B-1

COMPENSATION SCHEDULE

| | |
|---------------------------------|--------------------|
| Task 1 | \$21,510 |
| Task 2 | \$126,910 |
| Task 3 | \$213,759 |
| Task 4 | \$128,690 |
| Task 5 | \$192,685 |
| Task 6 | \$201,090 |
| Task 7 | \$37,915 |
| Administration | \$77,423 |
| Additional Services/Contingency | \$200,018 |
| Total Compensation | \$1,200,000 |

Funds may be shifted between Tasks upon written request by Consultant and written approval by staff, except no actions shall be taken that exceed the authorized funding of the entire project.

PROJECT NAME: City General Plan Update
PROJECT NO.: CIP # 3461

CITY COUNCIL APPROVAL
DATE: 04/05/16

**CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY OF MILPITAS AND
DENOVO PLANNING GROUP**

THIS AGREEMENT for consulting services is made by and between the City of Milpitas ("City") and DeNovo Planning Group ("Consultant") as of May 09, 2016

AGREEMENT

Section 1. SERVICES. Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to City the services described in the Scope of Work attached as Exhibit A at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

- 1.1 **Term of Services.** The term of this Agreement shall begin on the date first noted above and shall end on February 28, 2019 the date of completion specified in Exhibit A, and Consultant shall complete all the work described in Exhibit A prior to that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the City's right to terminate the Agreement, as provided for in Section 8.
- 1.2 **Standard of Performance.** Consultant shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged in the geographical area in which Consultant practices its profession. Consultant shall prepare all work products required by this Agreement in a substantial, first-class manner and shall conform to the standards of quality normally observed by a person practicing in Consultant's profession.
- 1.3 **Assignment of Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. Exhibit A shall name any specific personnel who shall be performing services. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.
- 1.4 **Time.** Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.1 above and to complete Consultant's obligations hereunder.

Section 2. COMPENSATION. City hereby agrees to pay Consultant a guaranteed maximum price not to exceed \$ 1,200,000.00 for all services to be performed and reimbursable costs incurred under this Agreement. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in

the manner set forth herein. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Consultant shall submit all invoices to City in the manner specified herein. Except as specifically authorized by City, Consultant shall not bill City for duplicate services performed by more than one person.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Hourly rates for personnel performing services shall be as shown in Exhibit B. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

2.1 Invoices. Consultant shall submit invoices, not more often than once a month during the term of this Agreement, based on the cost for services performed and reimbursable costs incurred during the billing period. Invoices shall contain the following information:

- Serial identification of bills;
- The beginning and ending dates of the billing period;
- A Task Summary containing the original contract amount, the amount of prior billings, the total due this period, the balance available under the Agreement, and the percentage of completion, if applicable;
- At City's option, for each work item in each task, a copy of the applicable time entries or time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense;
- The total number of hours of work performed under the Agreement by Consultant and each employee, agent, and subcontractor of Consultant performing services hereunder, as well as a separate notice when the total number of hours of work by Consultant and any individual employee, agent, or subcontractor of Consultant reaches or exceeds 800 hours, which shall include an estimate of the time necessary to complete the work described in Exhibit A;
- The Consultant's signature.

2.2 Monthly Payment. City shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred. City shall have thirty (30) days from the receipt of an invoice that complies with all of the requirements above and is otherwise acceptable to the City to pay Consultant. In the event that an invoice is not acceptable to the City, said invoice shall be returned to Consultant within thirty (30) days of the City's receipt of the invoice with a detailed explanation of the deficiency. City's obligation to pay a returned invoice shall not arise earlier than thirty (30) days after resubmission of the corrected invoice.

- 2.3 **Total Payment.** City shall pay for the services to be rendered by Consultant pursuant to this Agreement. City shall not pay any additional sum for any expense or cost whatsoever incurred by Consultant in rendering services pursuant to this Agreement. City shall make no payment for any extra, further, or additional service pursuant to this Agreement.

In no event shall Consultant submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment. In the event that Consultant identifies additional work outside the scope of services specified in Exhibit A that may be required to complete the work required under this Agreement, Consultant shall immediately notify the City and shall provide a written not-to-exceed price for performing this additional work.

- 2.4 **Hourly Fees.** Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on Exhibit B.

- 2.5 **Reimbursable Expenses.** Reimbursable expenses are shown on Exhibit B, and shall not exceed Three Hundred Ninety Thousand Dollars (\$390,000.00). Expenses not listed in Exhibit B are not chargeable to City. Reimbursable expenses are included in the total not-to-exceed amount of compensation provided under this Agreement.

- 2.6 **Payment of Taxes.** Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any other applicable federal or state taxes.

- 2.7 **Payment upon Termination.** In the event that the City or Consultant terminates this Agreement pursuant to Section 8, the City shall compensate the Consultant for all outstanding costs and reimbursable expenses incurred for work satisfactorily completed as of the date of written notice of termination. Consultant shall maintain adequate logs and timesheets in order to verify costs incurred to that date. The City shall have no obligation to compensate Consultant for work not verified by logs or timesheets.

- 2.8 **Authorization to Perform Services.** The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of a written Notice to Proceed from the City.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. City shall make available to Consultant only the facilities and equipment listed in this section, and only under the terms and conditions set forth herein.

City shall furnish physical facilities such as desks, filing cabinets, public meeting venues, and conference space, as may be reasonably necessary for Consultant's use while conducting public meetings associated with the project, consulting with City employees and reviewing records and the information in possession of the City. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of City.

In no event shall City be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, cellular telephone, long-distance telephone, or other communication charges, vehicles, and reproduction facilities.

If the performance of the work specified in Exhibit A requires destructive testing or other work within the City's public right-of-way, Consultant, or Consultant's subconsultant, shall obtain an encroachment permit from the City.

Section 4. INSURANCE REQUIREMENTS. Before beginning any work under this Agreement, Consultant shall procure "occurrence coverage" insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Consultant and its agents, representatives, employees, and subcontractors. Consultant shall provide proof satisfactory to City of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects to the City. Consultant shall maintain the insurance policies required by this section throughout the term of this Agreement and shall produce said policies to the City upon demand. The cost of such insurance shall be included in the Consultant's price. Consultant shall not allow any subcontractor to commence work on any subcontract until Consultant has obtained all insurance required herein for the subcontractor(s) and provided evidence thereof to City. Verification of the required insurance shall be submitted and made part of this Agreement prior to execution.

- 4.1 Workers' Compensation.** Consultant shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than ONE MILLION DOLLARS (\$1,000,000.00) per accident. In the alternative, Consultant may rely on a self-insurance program to meet those requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code. Determination of whether a self-insurance program meets the standards of the Labor Code shall be solely in the discretion of the City Attorney. The insurer, if insurance is provided, or the Consultant, if a program of self-insurance is provided, shall waive all rights of subrogation against the City and its officers, officials, employees, and volunteers for loss arising from work performed under this Agreement.

An endorsement shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

4.2 Commercial General and Automobile Liability Insurance.

- 4.2.1 General requirements.** Consultant, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000.00) per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an

Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

4.2.2 Minimum scope of coverage. Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (ed. 11/88) or Insurance Services Office form number GL 0002 (ed. 1/73) covering comprehensive General Liability and Insurance Services Office form number GL 0404 covering Broad Form Comprehensive General Liability. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (ed. 12/90) Code 1 ("any auto"). No endorsement shall be attached limiting the coverage.

4.2.3 Additional requirements. Each of the following shall be included in the insurance coverage or added as an endorsement to the policy:

- a. City and its officers, employees, agents, contractors, consultants, and volunteers shall be covered as insureds with respect to each of the following: liability arising out of activities performed by or on behalf of Consultant, including the insured's general supervision of Consultant; products and completed operations of Consultant; premises owned, occupied, or used by Consultant; and automobiles owned, leased, or used by the Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City or its officers, employees, agents, contractors, consultants, or volunteers.
- b. The insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.
- c. An endorsement must state that coverage is primary insurance with respect to the City and its officers, officials, employees, contractors, consultants, and volunteers, and that no insurance or self-insurance maintained by the City shall be called upon to contribute to a loss under the coverage.
- d. Any failure of CONSULTANT to comply with reporting provisions of the policy shall not affect coverage provided to CITY and its officers, employees, agents, and volunteers.

- e. An endorsement shall state that coverage shall not be suspended, voided, or canceled by either party, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

4.3 Professional Liability Insurance. If Consultant shall be performing licensed professional services, Consultant shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000) covering the licensed professionals' errors and omissions.

4.3.1 Any deductible or self-insured retention shall not exceed \$150,000 per claim.

4.3.2 An endorsement shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

4.3.3 The policy must contain a cross liability clause.

4.3.4 The following provisions shall apply if the professional liability coverages are written on a claims-made form:

- a. The retroactive date of the policy must be shown and must be before the date of the Agreement.
- b. Insurance must be maintained and evidence of insurance must be provided for at least three years after completion of the Agreement or the work, unless waived in writing by the City.
- c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant must provide extended reporting coverage for a minimum of five years after completion of the Agreement or the work. The City shall have the right to exercise, at the Consultant's sole cost and expense, any extended reporting provisions of the policy, if the Consultant cancels or does not renew the coverage.
- d. A copy of the claim reporting requirements must be submitted to the City prior to the commencement of any work under this Agreement.

4.4 Requirements for All Policies.

4.4.1 **Acceptability of insurers.** All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A.

4.4.2 **Verification of coverage.** Prior to beginning any work under this Agreement, Consultant shall furnish City with certificates of insurance and with original endorsements effecting coverage required herein. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The City reserves the right to require complete, certified copies of all required insurance policies at any time.

4.4.3 **Subcontractors.** Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

4.4.4 **Deductibles and Self-Insured Retentions.** Consultant shall disclose to and obtain the approval of City for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement.

During the period covered by this Agreement, only upon the prior express written authorization of the City, Consultant may increase such deductibles or self-insured retentions with respect to City, its officers, employees, agents, contractors, consultants, and volunteers. The City may condition approval of an increase in deductible or self-insured retention levels with a requirement that Consultant procure a bond, guaranteeing payment of losses and related investigations, claim administration, and defense expenses that is satisfactory in all respects to the City.

4.4.5 **Notice of Reduction in Coverage.** In the event that any coverage required by this section is reduced, limited, or materially affected in any other manner, Consultant shall provide written notice to City at Consultant's earliest possible opportunity and in no case later than five days after Consultant is notified of the change in coverage.

4.5 **Remedies.** In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant's breach:

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;

- Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
- Declare Consultant in material breach of the Agreement and terminate the Agreement.

4.6 Waiver. The Risk Manager of the City has the authority to waive or vary any provision of Sections 4.2 through 4.5. Any such waiver or variation shall not be effective unless made in writing.

Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES. Consultant shall indemnify, defend with counsel reasonably acceptable to the City, and hold harmless the City and its officials, officers, employees, agents, contractors, consultants, and volunteers from and against any and all losses, liability, claims, suits, actions, damages, and causes of action arising out of any personal injury, bodily injury, loss of life, or damage to property, or any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct or negligent acts or omissions of Consultant or its employees, subcontractors, or agents, by acts for which they could be held strictly liable, or by the quality or character of their work. The foregoing obligation of Consultant shall not apply when (1) the injury, loss of life, damage to property, or violation of law arises wholly from the negligence or willful misconduct of the City or its officers, employees, agents, contractors, consultants, or volunteers and (2) the actions of Consultant or its employees, subcontractor, or agents have contributed in no part to the injury, loss of life, damage to property, or violation of law. It is understood that the duty of Consultant to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance by City of insurance certificates and endorsements required under this Agreement does not relieve Consultant from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply. By execution of this Agreement, Consultant acknowledges and agrees to the provisions of this Section and that it is a material element of consideration.

In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Section 6. STATUS OF CONSULTANT.

6.1 Independent Contractor. At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of City. City shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3. Otherwise, City shall not have the right to control the means by which Consultant

accomplishes services rendered pursuant to this Agreement. Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.

- 6.2 **Consultant No Agent.** Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

Section 7. LEGAL REQUIREMENTS.

- 7.1 **Governing Law.** The laws of the State of California shall govern this Agreement.
- 7.2 **Compliance with Applicable Laws.** Consultant and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.
- 7.3 **Other Governmental Regulations.** To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.
- 7.4 **Licenses and Permits.** Consultant represents and warrants to City that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to City that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions and to perform this Agreement. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid business license from City.
- 7.5 **Nondiscrimination and Equal Opportunity.** Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this

Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

Consultant shall include the provisions of this Subsection in any subcontract approved by the City or this Agreement.

Section 8. TERMINATION AND MODIFICATION.

- 8.1 Termination.** City may terminate this Agreement at any time and without cause upon written notification to Consultant.

In the event of termination, Consultant shall be entitled to compensation for services performed prior to the effective date of termination as provided in Section 2. City, however, may condition payment of such compensation upon Consultant delivering to City any or all documents, photographs, computer software, video and audio tapes, and other materials provided to Consultant or prepared by or for Consultant or the City in connection with this Agreement.

- 8.2 Extension.** City may, in its sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall require a written amendment to this Agreement, as provided for herein. Consultant understands and agrees that, if City grants such an extension, City shall have no obligation to provide Consultant with compensation beyond the maximum amount provided for in this Agreement. Similarly, unless authorized by the City, City shall have no obligation to reimburse Consultant for any otherwise reimbursable expenses incurred during the extension period.

- 8.3 Amendments.** The parties may amend this Agreement only by a writing signed by all the parties.

- 8.4 Assignment and Subcontracting.** City and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the professional reputation and competence of Consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the City. Consultant shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors listed in the Consultant's proposal, without prior written approval of the City.

- 8.5 Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Consultant shall survive the termination of this Agreement.

8.6 **Options upon Breach by Consultant.** If Consultant materially breaches any of the terms of this Agreement, City's remedies shall include, but not be limited to, any or all of the following:

8.6.1 Immediate cancellation of the Agreement;

8.6.2 Retention of the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement prior to cancellation; and

8.6.3 Retention of a different consultant at Consultant's cost to complete the work described in Exhibit A not finished by Consultant.

Section 9. KEEPING AND STATUS OF RECORDS.

9.1 **Records Created as Part of Consultant's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Consultant hereby agrees to deliver those documents to the City at any time upon demand of the City. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. Failure by Consultant to deliver these documents to the City within the time period specified by the City shall be a material breach of this Agreement. City and Consultant agree that, until final approval by City, all data, plans, specifications, reports and other documents are preliminary drafts not kept by the City in the ordinary course of business and will not be disclosed to third parties without prior written consent of both parties.

9.2 **Consultant's Books and Records.** Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.

9.3 **Inspection and Audit of Records.** Any records or documents that Section 9.2 of this Agreement requires Consultant to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the City. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds TEN THOUSAND DOLLARS (\$10,000.00), the Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of the City, for a period of three (3) years after final payment under the Agreement.

Section 10

MISCELLANEOUS PROVISIONS.

- 10.1 **Attorneys' Fees.** If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.
- 10.2 **Venue.** In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Santa Clara or in the United States District Court for the Northern District of California.
- 10.3 **Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
- 10.4 **No Implied Waiver of Breach.** The waiver of performance or any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.
- 10.5 **Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.
- 10.6 **Use of Recycled Products.** Consultant shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.
- 10.7 **Conflict of Interest.** Consultant may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*

Consultant shall not employ any City official in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 *et seq.*

Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of the City. If Consultant were an employee, agent, appointee, or official of the City in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this

Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090 *et seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse the City for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, may be disqualified from holding public office in the State of California.

Consultant certifies that it has not paid any direct or contingent fee, contribution, donation or consideration of any kind to any firm, organization, or person (other than a bona fide employee of Consultant) in connection with procuring this Agreement, nor has Consultant agreed to employ or retain any firm, organization, or person in connection with the performance of this Agreement as a condition for obtaining this Agreement.

- 10.8 Solicitation.** Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.
- 10.9 Contract Administration.** This Agreement shall be administered by the Director of Planning who is authorized to act for, and on behalf of, City. All correspondence shall be directed to or through the Contract Administrator or his or her designee.
- 10.10 Notices.** Any written notice to Consultant shall be sent to:
- Ben Ritchie
De Novo Planning Group
1020 Suncastr Lane, Suite 106
El Dorado Hills, CA 95762
- Any written notice to City shall be sent to:
Director of Planning
455 East Calaveras Boulevard
Milpitas, California 95035
- 10.11 Professional Seal.** Where applicable in the determination of the City, the first page of a technical report, first page of design specifications, and each page of construction drawings shall be stamped/sealed and signed by the licensed professional responsible for the report/design preparation.
- 10.12 Integration.** This Agreement, including the exhibits, represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral.
- 10.13 Exhibits.** All exhibits referenced in this Agreement are incorporated by reference herein.

EXHIBIT A

SCOPE OF SERVICES

TASK 1

Consultant shall meet with staff to establish an initial three-month schedule of events and work product. The schedule shall be detailed by task and time and presented in CPM format. This initial three-month schedule shall be regularly updated such that within one week prior to the completion of the initial three-month work plan Consultant shall provide a detailed CPM schedule for the next three months for review by staff. This process shall continue through the time of this Agreement. (within 1 week of execution)

TASK 2

Consultant shall work with staff to prepare a report to the City Council recommending the constituents of a General Plan Advisory Group to provide advice and recommendations to the Consultants and staff regarding all aspects of the General Plan. Within this report, Consultant shall also prepare and provide a recommended schedule of meetings and topics for the Advisory Group. The Consultant shall also prepare and provide recommendations regarding other public meetings, such as with community groups, neighborhood associations, housing advocates, developers, outside agencies, and City Council and Planning Commission. Within this Task, Consultant shall also initiate design and implementation of a website and a community newsletter in coordination with City staff. (within 45 days of Task 1)

TASK 3

Consultant shall prepare an Existing Conditions Report that will serve as the baseline for programs and goals in the General Plan. The technical reports and analyses shall be coordinated with appropriate City staff, as determined by the Planning Director. At a minimum, the Existing Conditions Report shall provide information and data on the following areas:

- Land Use
- Population and Housing
- Economic Development
- Circulation
- Community Services and Facilities (including schools)
- Utilities
- Public Safety
- Parks and Recreation
- Noise
- Cultural Resources
- Conservation
- Hydrology
- Hazards and Hazardous Materials

- Biological Resources
- Air Quality
- Geology
- Mineral and other resources
- Aesthetics and Visual Resources

(within 5 months of Task 1)

Task 4

Consultant shall prepare an Opportunities and Constraints Report based on public meetings, meetings with staff and other City representatives, and the Existing Conditions Report. The Report shall be structured with the topics to be included in the Final General Plan. The final topics and structure shall be those established with staff in Task 1. Within this Task, Consultant shall prepare a Land Use Alternatives report. The land use alternatives shall be evaluated with respect to each alternative's consistency with the vision expressed by the community and other specific factors and constraints as agreed to by staff. Within the Land Use Alternatives, consultant shall also prepare an Economic Analysis of the Land Use Alternatives evaluated and described within the Land Use Alternatives Report. (within 7 months of Task 1)

Task 5

Consultant shall prepare the new General Plan. The initial work product shall be an Administrative Draft for review and approval by staff. This Administrative Draft shall contain all elements and topics of the General Plan as agreed to in Task 1. Upon review and coordination with staff, Consultant shall prepare a screen-check Draft General Plan for presentation to the public at forums as agreed to by staff. Upon completion of a public review process, Consultant shall incorporate all comments and changes as directed by staff to prepare the Final General Plan document. (draft within 15 months of Task 4; final within 5 months of completion of public comment period)

Task 6

Consultant shall prepare the Environmental Impact Report for the General Plan. Consultant shall prepare an Administrative Draft for review and approval by staff. Based on comments from staff, Consultant shall prepare a Draft Environmental Impact Report for public circulation. It shall be the responsibility of Consultant to assure circulation to reviewing agencies and other interested parties. Consultant shall assist staff in preparing and presenting the Report to the public through scoping sessions, Planning Commission hearings, and City Council hearings. Consultant shall prepare a Final Environmental Impact Report in conformance with the requirements of state law and assist staff in the completion of all administrative requirements associated with certification and recordation of the Final Report. (begin in consultation with staff, but within one year of execution)

Task 7

Consultant shall coordinate with staff and the Milpitas Economic Development Commission directly, as the Steering Committee to prepare an Economic Development Strategic Plan based on the Fiscal Impact Report prepared as an integral portion of the General Plan. Consultant shall

1. Meet with the Commission at least five times during the development and completion of the Strategic Plan
2. Based on the Conditions and Trends report prepared as part of the Draft General Plan, conduct any additional research (e.g., interviews with stakeholders, business surveys, etc.), as directed by staff or the Commission
3. Prepare Draft Goals, Policies, Strategies Document
4. Revise Draft Strategic Plan, based on Commission, public, and staff comments and directions.
5. Prepare Final Strategic Plan Document

(initiate within one month of execution and complete within one year)

Additional Services

Upon written request by Consultant or staff work related to the project but not specifically anticipated in this Agreement, the Consultant may be requested to provide a specific request for funds and/or time. Staff will review such request and issue a written acceptance or denial.

EXHIBIT B

COMPENSATION SCHEDULE

| | | |
|---------------------------------|--------------------|--|
| Task 1 | \$21,510 | begin within 1 week of Execution |
| Task 2 | \$126,910 | begin within 45 days of Task 1 |
| Task 3 | \$213,759 | begin within 5 months of Task 1 |
| Task 4 | \$128,690 | begin within 7 months of Task 1 |
| Task 5 | \$192,685 | begin Draft within 6 months of Task 1 begin Final upon conclusion of Public comment |
| Task 6 | \$201,090 | begin within 1 year of Task 1 |
| Task 7 | \$37,915 | begin within 1 month of Task 1 |
| Administration | \$77,423 | |
| Additional Services/Contingency | \$200,018 | |
| Total Compensation | \$1,200,000 | |

Funds may be shifted between Tasks upon written request by Consultant and written approval by staff, except no actions shall be taken that exceed the authorized funding of the entire project



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|------------------------|--|
| Item Title: | Approve and Authorize the City Manager to Execute Amendment No. 1 to the Memorandum of Understanding with the Valley Water District Establishing a Mutual Waiver of Fees for City and District Capital Improvement Program Projects |
| Category: | Consent Calendar-Community Services and Sustainable Infrastructure |
| Meeting Date: | 5/19/2020 |
| Staff Contact: | Steve Erickson, City Engineer, 408-586-3301 |
| Recommendation: | Approve and Authorize the City Manager to execute Amendment No. 1 to the Memorandum of Understanding with the Valley Water District Establishing a mutual waiver of fees for City and District Capital Improvement Program Projects. |

Background:

The City and the Valley Water District (District) each adopt annual 5-year Capital Improvement Program budgets (CIP) that provide for the design, construction, maintenance, and repair of infrastructure that benefit both the public and habitat. Projects that require work within another agencies right-of-way generally require a permit from that agency, including payment of related fees which can be costly and time consuming to process.

In an effort of cooperation to streamline permit processing, reduce CIP administration costs, and to provide expeditious issuance of permits, both agencies adopted a Memorandum of Understanding (MOU) in June of 2017 to establish a policy for the mutual waiver of agency permit fees (**Attachment 1**). The Fees proposed to be waived would include encroachment permit, land-use, engineering review, and construction inspection as related to each agencies CIP projects.

The term of the MOU was for three years and would cover City and District projects listed in Exhibits A and B of the MOU. The adoption of this MOU would reflect a cost savings to both agencies due to the mutual waiver of fees and it would enhance customer service by the prompt issuance of permits, benefiting project delivery schedules.

Analysis:

The term of the MOU was for three years and it will expire on June 20, 2020. Staff recommends the City Council approve and authorize the City Manager to execute Amendment 1 to the MOU to extend the term until June 2025, which would allow each agency to continue to waive review and permitting fees for each agency's respective projects (**Attachment 2**). Amendment 1 also includes a revised Exhibit A, which is a revised list of anticipated City projects to be constructed within District right of way.

Policy Alternative:

Alternative: Do not approve or authorize the City Manager to execute Amendment 1 to the MOU with District.

Pros: Will result in the City collecting review and permitting fees for District creek improvement projects.

Cons: A denial of this request would result in the District and the City mutually charging each other fees for the permitting of projects within their respective right-of-way.

Reason not recommended: In the effort of cooperation between the agencies, it is recommended that project review and permitting fees are mutually waived. The City tends to complete more projects annually, and historically this has resulted in an unbalance for fees paid between the agencies.

Fiscal Impact:

Estimated total cost for City permit and inspection fees proposed to be waived for District projects outlined in the MOU is no more than \$10,000. The estimated value of District permit fees to be waived for City projects is approximately \$60,000.

Recommendation:

Approve and Authorize the City Manager to execute Amendment No. 1 to the Memorandum of Understanding with the Valley Water District Establishing a mutual waiver of fees for City and District Capital Improvement Program Projects.

Attachments:

Executed 2017 MOU

Amendment No. 1 to MOU with Valley Water District

**FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE
SANTA CLARA VALLEY WATER DISTRICT AND THE CITY OF MILPITAS FOR
WAIVER OF PERMIT, LAND-USE, STAFF REVIEW, AND CONSTRUCTION
INSPECTION FEES**

This is the FIRST AMENDMENT to the Memorandum of Understanding ("MOU") dated June 20, 2017 that was entered into by and between Santa Clara Valley Water District ("VALLEY WATER") and the City of Milpitas ("MILPITAS") for Waiver of Permit, Land-Use, Staff Review, and Construction inspection Fees.

WHEREAS, the Parties seek to extend the term of the MOU for five (5) additional years;

WHEREAS, MILPITAS seeks to revise its list of projects specified in Exhibit A of this MOU; and

WHEREAS, each Party seeks the option to revise on an annual basis, via an amendment to this MOU, its list of projects specified in the applicable Exhibit (i.e. Revised Exhibit "A" for MILPITAS and Exhibit "B" for VALLEY WATER).

NOW, THEREFORE, the Parties agree to amend the MOU as follows:

1. In the MOU, delete each reference to "DISTRICT" and replace with "VALLEY WATER".

2. In the MOU, delete the first sentence in Section 5 in its entirety and replace with "The term of this MOU commences on June 20, 2017 and continues through the end of June 19, 2025."

3. In the MOU, delete Exhibit "A" in its entirety, and replace with the Revised Exhibit "A" that is attached to this First Amendment.

4. In the MOU, add the following as Section 15:
"15. The Parties may revise the list of projects in the Exhibits by executing an amendment to this MOU. If a Party desires to revise its list of projects in the applicable Exhibit (i.e. Revised Exhibit "A" for MILPITAS and Exhibit "B" for VALLEY WATER), it must provide the other Party with at least thirty (30) calendar days written notice. Upon the other Party

receiving the written notice, the Parties will prepare an amendment with an updated Exhibit listing the projects in which fees will be waived. That updated Exhibit will become effective on January 1st of the following year if any amendment updating the Exhibit is approved by each respective Party and fully executed before January 1st of the following year.”

All of the terms and conditions of the MOU not specifically modified by this FIRST AMENDMENT will remain in full force and effect.

**CITY OF MILPITAS, CALIFORNIA,
a State of California Municipal Corporation**

APPROVED AS TO FORM:

CHRISTOPHER DIAZ
City Attorney

Steve McHarris
City Manager

Dated:_____

**SANTA CLARA VALLEY WATER DISTRICT
a California Special District**

APPROVED AS TO FORM:

ANTHONY FULCHER
Sr. Assistant District Counsel

NORMA J. CAMACHO
Chief Executive Officer

Dated:_____

REVISED EXHIBIT A

Designated MILPITAS Projects

1. Dempsey Road Water and Storm Line Replacement - Project No. 7100, 7118, & 3709

Location: Dempsey Road at Los Coches Creek

Project Description (FY 2020-25)

This project provides for the replacement of undersized and aging water line from N. Park Victory Drive to Yosemite Dr. and storm drain line from South Park Victoria and Los Coches Creek on Dempsey Road.

Major Benefits include:

- Improvement to the water supply to residents and business serviced by this line, and decreased maintenance costs due to emergency water line break repairs.
- Installation of the new storm drain line and appurtenances will result in decreased flooding and associated damages during winter storm events
- Installation of new outfall and check valves in Los Coches Creek to minimize erosion and prevent flooding of City Storm Drain system

2. Lower Penitencia Creek Pedestrian Bridge - Project No. 2005

Location: Bridge crosses Penitencia East Channel midway between McCandless Drive and Montague Expressway.

Project Description (FY 2015-16)

This project provides for the construction of a pedestrian bridge over the Penitencia East Channel connecting the Centrepont "C" Development to the City's new McCandless Park.

Major Benefits include:

- Connection of the levee trail system on either side of Penitencia East Channel and development on northside of Creek to McCandless Park and the new MUSD elementary school on McCandless Drive.
- Provides circulation infrastructure improvement for safety and convenience of pedestrians.

3. Montague Pedestrian Overcrossing at Penitencia East Channel - Project No. 2018

Location: Overcrossing crosses Montague Expressway adjacent to the Penitencia East Channel on the eastside.

Project Description (FY 2021-22)

This project provides for the construction of a pedestrian overcrossing over Montague Expressway adjacent to the easterly side of Penitencia East Channel, northeast of Sango Court. The overcrossing will require landings on either side of the expressway and be outside the VALLEY WATER property. It is anticipated a permit from VALLEY WATER will not be required.

Major Benefits include:

- Connection of the levee trail system of Penitencia East Channel across Montague Expressway.
- Provides circulation infrastructure improvement for safety and convenience of pedestrians.
- Installation of pedestrian overcrossing is in compliance with City Transit Area Specific Plan (TASP).

4. Lower Berryessa Creek Water Line – Plan Project

Location: Water Main crosses under Berryessa Creek, south of Calera Creek

Project Description (FY 2018-19)

This project provides for relocation or replacement of the City own 12" diameter existing potable water main under Berryessa Creek, south of Calera Creek. The existing main ties into the City water system at the intersection of San Andreas Drive/ Pescadero Street to the west, and near Hanson Court to the east. The existing main was installed in the 1950's and its location and details are not well documented. The installation of a new water main and abandonment of the existing pipeline is desired.

Major Benefits include:

- Provides for the replacement and/or relocating of an older water main that is not well documented.
- Provides the City with the opportunity to upsize the pipe size.

5. Flap Gate Replacement – Project No. 3714

Location: City-wide

Project Description (FY 2017-18)

This project provides for the evaluation of existing City storm drain outfalls in VALLET WATER creeks to determine where improvements are required. The project includes the design and construction of replacement and/or installation of flap gates, check valve assemblies, and outfalls.

Major Benefits Include:

- Provides for the replacement of damaged outfalls benefits both the city and VALLET WATER.
- Aids in the reduction of flood hazards.

6. South Milpitas Boulevard Vehicle Bridge at Penitencia East Channel, Project No. 2016

Location: Bridge crosses Penitencia East Channel midway between Lundy Place and Montague Expressway.

Project Description (FY 2020-25)

This project provides for design and construction of a vehicular bridge over the Penitencia East Channel at the end of the S. Milpitas Blvd. extension, east of E. Capitol Ave. The bridge is part of the City's TASP circulation infrastructure improvements to connect Sango Ct., Tarob Ct. and S. Milpitas Blvd.

Major Benefits Include:

- Provides vehicle, bicycle, and pedestrian connectivity between TASP developments, Milpitas Transit Station and the Great Mall.

- Provides circulation infrastructure improvement for safety and convenience of pedestrians and vehicles.
- Installation of vehicle bridge is in compliance with City's Transit Area Specific Plan (TASP).

7. Well Upgrade Project - Project No. 7076

Location: New well at McCandless Park on McCandless Drive, Existing Wells at Pinewood and Curtis Parks.

Project Description (FY 2020-25)

This project provides for improvements to existing City potable water wells and provides for the installation of new well as recommended by the Water Supply Augmentation Feasibility Report, March 2015. The project includes the design and construction for a new well including potable water treatment facilities and related equipment within McCandless Park; repairs and improves to existing well at Pinewood Park; and assessment of the existing well and installation of new potable water treatment facilities and related equipment at Curtis Park.

Major Benefits Include:

- Diversify the City water distribution and supply.
- Allows groundwater to be pumped into the City's potable water distribution system.

8. Trails and Bikeway Master Plan Update - Project No. 3448

Location: Citywide

Project Description (FY 2020-25)

This project provides for an update to the City's Trails and Bikeway Master Plan and construction of trails on VALLEY WATER property. An update of this document will aid in improving connectivity to local destinations such as the Great Mall and the new Milpitas Transit Station and will increase pedestrian and bicycle safety.

Major Benefits include:

- Increases pedestrian and bicycle safety.
- Increases connectivity to local destination.
- Provides for the expansion of the City's local trail system within Valley Water property.

9. McCandless Park, (Project No. 5102)

Location: Located south of the Penitencia East Channel at McCandless Drive.

Project Description (FY 2020-25)

This project provides for the design and construction of a new 4.0-acre City park adjacent to the new Mabel Mattos Elementary School and south of Penitencia East Channel. The park will include all-inclusive play equipment, joint-use soccer field picnic areas, walking path and open space areas and includes the potable well facility (Project no. 7076) and a pedestrian bridge over the Penitencia East Channel, (Project No. 2005).

Major Benefits Include:

- Provides new city park facilities including walking path increasing connectivity to the Mabel Mattos Elementary School.
- Provides all-inclusive play equipment and joint use field facility for the elementary school.

10. Transit Area Specific Plan Update – Project No. 2006

Location: Southwest Area of the City

Project Description (FY 2020-25)

This project provides for an update to the City's Transit Area Specific Plan (TASP). An update of this document will evaluate development projects proposed, entitled, or constructed; processes and regulations for development; possible changes to boundaries, density ranges, and land uses shown on the land use diagram; and remaining development capacity.

Major Benefits Include:

- Improving connectivity to local destinations such as the Great Mall and the new Milpitas Transit Station.
- Updates land use, boundary, and residential densities.
- Update administrative and development regulations, deficiencies or needs related to infrastructure planned for the area, and improves development review process.

11. Trade Zone/Montague Park – Central - Plan Project

Location: Located adjacent to the westerly side of Penitencia East Channel between Sango Ct. and Tarob Ct.

Project Description (FY 2020-25)

This project provides for the design and construction of a new 5-acre City park within the Trade Zone/Montague Subdistrict of the TASP. Park may include pedestrian paths, benches, trees, sports fields, community center, and other passive recreation facilities. Coordination is required with the S. Milpitas Blvd. Vehicle Bridge at Penitencia Creek Project (#2016).

Major Benefits Include:

- Provides vehicle, bicycle, and pedestrian connectivity between TASP developments, Milpitas Transit Station and the Great Mall.
- Provides circulation infrastructure improvement for safety and convenience of pedestrians and vehicles.
- Installation of vehicle bridge is in compliance with City's Transit Area Specific Plan (TASP).
- Provides for utility infrastructure improvement.

12. 2nd SCVWD Water Reservoir & Pump Station – Project No. 2002

Location: Within the TASP, location to be determined.

Project Description (FY 2020-25)

This project provides for the design and construction of a potable water reservoir (6.6 million gallons), pump station, and related improvements to serve the VALLEY WATER water service area as recommended in the 2009 Water Master Plan Update. The new

facility will require approximately 3 acres of land within the TASP area. The project will be coordinated with SCVWD Zone 1 Pressure Reducing Valve (Project #2020) and SCVWD Second Water Supply Turnout (Project #2009) projects.

Major Benefits Include:

- This facility is necessary to serve future developments in Midtown and Transit Area Specific Plan (TASP) areas.
- Provides for utility infrastructure improvement.

13. SCVWD Second Water Supply Turnout – Project No. 2009

Location: Within the TASP, location to be determined.

Project Description (FY 2020-25)

This project is a joint project with Santa Clara Valley Water District (VALLEY WATER) to install a second water supply turnout for Milpitas as recommended in the 2009 Water Master Plan Update. A second turnout is required to meet increasing flow requirements in the City's south-central and western areas. VALLEY WATER will administer the project. The project will be coordinated with 2nd SCVWD Water Reservoir and Pump Station (Project #2002) and SCVWD Zone 1 Pressure Reducing Valve (Project #2020) projects.

Major Benefits Include:

- This facility is necessary to serve future developments in Midtown and Transit Area Specific Plan (TASP) areas.
- Meet increasing flow requirements in the City's south-central and western areas.
- Provides for utility infrastructure improvement.

14. SCVWD Zone 1 Pressure Red. Valve - Project No. 2020

Location: Within the TASP, location to be determined.

Project Description (FY 2020-25)

This project provides for the design and construction of a Pressure Reducing Valve (PRV) within the Transit Area Specific Plan (TASP) area to ensure water system operational redundancy. There are two pressure reducing valves within the TASP area regulating water pressure from the VALLEY WATER Zone 2 service area into Zone 1 service area (Curtis PRV and Capitol PRV). The project will be coordinated with the 2nd SCVWD Water Reservoir & Pump Station (Project #2002), and SCVWD Second Water Supply Turnout (Project #2009) projects.

Major Benefits Include:

- This facility is necessary to serve future developments in Midtown and Transit Area Specific Plan (TASP) areas.
- Provides for utility infrastructure improvement.

15. Penitencia Pump Station Replacement - Plan Project

Location: Located at Hall Memorial Park

Project Description (FY 2020-25)

This project provides for the design and reconstruction of the entire Penitencia Pump Station. The station was constructed in 1955 and Bay Area Air Quality Management District (BAAQMD) will no longer permit diesel engines to be replaced in-kind. Work

includes construction of a wet well and installation of electric motors with emergency power supplied by a backup generator.

Major Benefits Include:

- Provides for utility infrastructure improvement.
- Aids in the reduction of flood hazards.

16. Milpitas Gateway-Main Street Specific Plan Update – Project No. 3437

Location: Midtown Area

Project Description (FY 2020-25)

The current Milpitas Midtown Specific Plan was adopted in March 2002. In June 2008, the Council amended the Plan to remove approximately 100 acres and create the Transit Area Specific Plan. In October 2019, the Council directed staff to suspend their activities on the 2018 update and develop a new strategic direction and scope of work for this Plan, including possible boundary changes.

Major Benefits Include:

- Improving connectivity to local destinations such as the Great Mall, new Milpitas Transit Station and TASP area.
- Updates land use, boundary, and residential densities.
- Update administrative and development regulations, deficiencies or needs related to infrastructure planned for the area, and improves development review process.

17. Parks and Recreation Master Plan Update – Project No. 5115

Location: Citywide

Project Description (FY 2020-25)

This project provides for an update to the 2008 Parks and Recreation Master Plan to include Transit Area Specific Plan (TASP) Parks, Midtown Parks, and City recreational facilities. The update will include an existing conditions assessment study of all parks and recreation facilities, public engagement and outreach, strategic plan to provide high-quality accessible parks and recreation facilities, programing and growth assessment analysis and plan for future growth in the City.

RECEIVED

JUN 20 2017

CITY OF MILPITAS
ENGINEERING DIVISION

June 21, 2017

Steve Erickson
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035-5411

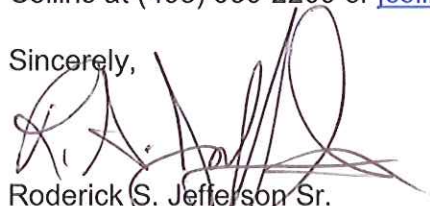
Subject: Agreement A4078M between the Santa Clara Valley Water District and the City of Milpitas

Dear Mr. Erickson,

Enclosed is an enacted copy of **Agreement A4078M** which was executed by the Santa Clara Valley Water District on June 20, 2017. Please retain the enclosed copy for your records and reference any future correspondence related to this contract with Agreement A4078M.

If you have any questions regarding this Agreement, please contact Project Manager Jessica Collins at (408) 630-2200 or jcollins@valleywater.org.

Sincerely,



Roderick S. Jefferson Sr.
Supervising Program Administrator
Consultant Contracts Services

Enc.: Agreement A4078M

CC: Guy Canha, Jessica Collins



MEMORANDUM OF UNDERSTANDING BETWEEN THE SANTA CLARA VALLEY WATER DISTRICT AND THE CITY OF MILPITAS FOR WAIVER OF PERMIT, LAND-USE, STAFF REVIEW, AND CONSTRUCTION INSPECTION FEES

This MEMORANDUM of UNDERSTANDING ("MOU") between the Santa Clara Valley Water District ("DISTRICT"), a special district of the State of California, and the City of Milpitas ("MILPITAS"), a State of California municipal corporation, establishes a mutual fee waiver of permits, land use, staff review and construction inspection fees for certain capital projects identified by the DISTRICT and MILPITAS. DISTRICT and MILPITAS may be referred to individually as "Party" or collectively as the "Parties". This MOU is effective on the date when the last Party signs it.

RECITALS

WHEREAS, on an annual basis the DISTRICT adopts a 5-year Capital Improvement Program ("DISTRICT CIP") that provides for the design, construction, maintenance, repair, and improvement of flood protection projects which reduce the risk of flooding, improve water quality and habitat, and benefit MILPITAS; and

WHEREAS, certain DISTRICT CIP projects may require various permits from MILPITAS and include the use of and work on, adjacent to, under, or over lands within the public right of way or owned by MILPITAS, including the minor modification or relocation of MILPITAS infrastructure, which would require routine MILPITAS staff review, routine construction inspection, and permitting pursuant to MILPITAS' permitting authority; and

WHEREAS, MILPITAS adopts a 5-year Capital Improvement Program ("MILPITAS CIP") which includes various annual projects for the design, construction, maintenance, repair, and improvement of MILPITAS infrastructure including roadway and traffic control facilities, sound walls and fences, sidewalks and pedestrian pathways, bridges, parks, water, sewer, and storm drainage utilities; and

WHEREAS, certain MILPITAS CIP projects may include the use of, work on, adjacent to, under, or over lands owned by DISTRICT which require routine DISTRICT staff review, routine construction inspection, and permitting pursuant to the DISTRICT's Water Resources Protection Ordinance Program (DISTRICT Ordinance 06-01 as amended by Ordinance 08-01 herein after referred to as the "WRPO"); and

WHEREAS, each Party has a substantial number of CIP projects that it desires the other Party to expeditiously review, inspect, and consider for issuance of permits (See Exhibits "A" and "B"); and

WHEREAS, DISTRICT Board Resolution No. 10-86 authorizes the DISTRICT Chief Executive Officer ("DISTRICT CEO") to waive WRPO fees when it is in the best interest of the DISTRICT; and

WHEREAS, the value of avoided increased costs of potential extended and protracted reviews of DISTRICT requests for MILPITAS permits will likely exceed the difference in the amount of fees waived by the DISTRICT and MILPITAS; and

Memorandum of Understanding Between the Santa Clara Valley Water District and the City of Milpitas for Waiver of Permit, Land-Use, Staff Review, and Construction Inspection Fees

WHEREAS, based on the foregoing, the DISTRICT CEO has determined that it is in the DISTRICT's best interest to waive the WRPO fees for MILPITAS CIP projects listed in Exhibit "A" ("Designated MILPITAS Projects") in exchange for MILPITAS' waiver of its permit fees for DISTRICT Projects listed in Exhibit "B" ("Designated DISTRICT Projects"); and

WHEREAS, DISTRICT and MILPITAS desire for their mutual benefit to waive fees related to the projects identified in Exhibit "A" and Exhibit "B" of this MOU that would otherwise be assessed to each other for: reviewing the other Party's permitting applications and related information; providing routine construction inspection related to permitting; issuing permits to the other Party; authorizing permitted use of property and public right of ways; and mutually cooperating and coordinating in the expedited review and permitting.

NOW, THEREFORE, in consideration of the recitals and mutual obligations of the Parties herein expressed, DISTRICT and MILPITAS agree as follows:

1. DISTRICT'S RESPONSIBILITIES

For the Designated MILPITAS Projects, the DISTRICT agrees that subsections 1(a) through 1(g) of this MOU are applicable.

- a) DISTRICT will provide no-cost DISTRICT review of the Designated MILPITAS Projects, when evaluating whether to issue permits under the WRPO. Further, DISTRICT shall not impose any other fees associated with WRPO permitting, review, or inspection against MILPITAS.
- b) DISTRICT will provide no-cost DISTRICT construction inspection of the Designated MILPITAS Projects, when required for permits issued under the WRPO.
- c) DISTRICT will waive DISTRICT fees for issuance of permits under the WRPO regarding the use of DISTRICT property for the Designated MILPITAS Projects, so long as this MOU remains in effect.
- d) DISTRICT will waive DISTRICT license fees under the WRPO regarding the use of DISTRICT property for the Designated MILPITAS Projects, so long as this MOU remains in effect.
- e) DISTRICT will waive all WRPO permit fees and fees incurred for reviewing and inspecting the Designated MILPITAS Projects that are pending at the time this MOU is fully executed.
- f) DISTRICT will provide reasonable responses to all requests by MILPITAS regarding the items described in subsections 1(a) – 1(g) within 15 business days. If additional review or response time is needed, the DISTRICT and MILPITAS will negotiate a good faith extension on when completed reviews or responses are due.

Memorandum of Understanding Between the Santa Clara Valley Water District and the City of Milpitas for Waiver of Permit, Land-Use, Staff Review, and Construction Inspection Fees

- g) Following MILPITAS providing reasonable responses to all DISTRICT requests as outlined in subsection 2(f), DISTRICT, in its sole discretion, shall not unreasonably withhold issuance of permits for work that does not damage, obstruct, or prevent or inhibit DISTRICT from its activities and enjoyment of its property.

2. MILPITAS' RESPONSIBILITIES

For the Designated DISTRICT Projects, MILPITAS agrees that subsections 2(a) through 2(g) of this MOU are applicable.

- a) MILPITAS will provide no-cost MILPITAS review of the Designated DISTRICT Projects, when evaluating whether to issue MILPITAS permits. Further, MILPITAS shall not impose any other fees associated with permitting, review, or inspection against DISTRICT.
- b) MILPITAS will provide no-cost construction inspection of the Designated DISTRICT Projects, when required for issuance of MILPITAS permits.
- c) MILPITAS will waive MILPITAS fees related to use of MILPITAS property and/or the public right-of-way for the Designated DISTRICT Projects, so long as this MOU remains in effect.
- d) MILPITAS will waive MILPITAS license and/or right-of-way fees regarding the use of MILPITAS property and/or public right-of-way for the Designated DISTRICT Projects, so long as this MOU remains in effect.
- e) MILPITAS will waive all MILPITAS fees incurred for reviewing and inspecting the Designated DISTRICT Projects that are pending at the time this MOU is fully executed.
- f) MILPITAS will provide reasonable responses to all requests by DISTRICT regarding the items described in subsections 2(a) – 2(g) within 15 business days. If additional review or response time is needed, the DISTRICT and MILPITAS will negotiate a good faith extension on when completed reviews or responses are due.
- g) Following DISTRICT providing reasonable responses to all MILPITAS requests as outlined in subsection 1(f), MILPITAS, in its sole discretion, shall not unreasonably withhold issuance of permits for work that does not damage, obstruct, or prevent or inhibit MILPITAS from its activities and enjoyment of its property.

3. HOLD HARMLESS AND LIABILITY

In lieu of and notwithstanding the pro rata risk allocation that might otherwise be imposed between the Parties pursuant to Government Code Section 895.6, the Parties agree that all losses or liabilities incurred by a Party shall not be shared pro rata but,

Memorandum of Understanding Between the Santa Clara Valley Water District and the City of Milpitas for Waiver of Permit, Land-Use, Staff Review, and Construction Inspection Fees

instead, MILPITAS and DISTRICT agree that pursuant to Government Code Section 895.4, each Party shall fully indemnify and hold the other Party, its officers, governing body members, employees, and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined in Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying Party, its officers, governing body members, employees, or agents, under or in connection with or arising out of any work, authority, or jurisdiction delegated to such Party under this MOU. No Party, nor any governing body member, officer, employee, or agent, thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of the other Party hereto, its officers, governing body members, employees, or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such other Party under this MOU. The obligations set forth in this Section 3 will survive termination and expiration of this MOU.

4. DOCUMENT REVIEW

DISTRICT and MILPITAS will make available for inspection to the other Party, upon reasonable advance written notice, all non-privileged records, books and other documents relating to this MOU.

5. TERM

The term of the MOU shall extend three years beyond the date it is fully executed. The term of the MOU may, prior to its expiration, be extended by written mutual consent of the Parties acting through their authorized representatives.

6. TERMINATION OF MOU

This MOU may be terminated by either Party hereto for any reason upon thirty (30) days written notice to the other Party. DISTRICT WRPO fees and MILPITAS fees that are waived during the time this MOU is in effect will remain waived even after the termination or expiration of the MOU.

7. NOTICE

Any notice, payment, credit or instrument required or permitted to be given hereunder shall be deemed received upon personal delivery or five (5) days after deposit in any United States mail depository, first class postage prepaid and addressed to the Party for whom intended; or on the same day as an email transmission is sent as long as original is placed in the mail on the same day.

Memorandum of Understanding Between the Santa Clara Valley Water District and the City of Milpitas for Waiver of Permit, Land-Use, Staff Review, and Construction Inspection Fees

If to DISTRICT: Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3614
Attn: Vincent Gin, Deputy Operating Officer
Watersheds Stewardship and Planning
Email: vgin@valleywater.org

If to MILPITAS: City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035-5411
Attn: Steve Erickson
CIP Manager
Email: serickson@ci.milpitas.ca.gov

Either Party may change such address or contact person by notice given to the other Party as provided herein.

8. NO THIRD PARTY BENEFICIARIES

Nothing in this MOU, express or implied, is intended to or shall confer upon any other person any right, benefit or remedy of any nature whatsoever under or by reason of this MOU.

9. AMENDMENTS

The MOU may be amended by written amendment executed by both Parties.

10. ASSIGNMENT

Neither this MOU nor any of the rights or interests in this MOU can be assigned to a third party or entity without the written consent of the other Party.

11. SEVERABILITY

The partial or total invalidity of one or more parts of this MOU will not affect the intent or validity or remaining parts of this MOU.

12. GOVERNING LAW

This MOU will be deemed a contract under the laws of the State of California and for all purposes shall be interpreted in accordance with such laws.

13. SIGNATURES

The individuals executing this MOU represent and warrant that they have the legal capacity and authority to do so on behalf of their respective legal entities.

Memorandum of Understanding Between the Santa Clara Valley Water District and the City of Milpitas for Waiver of Permit, Land-Use, Staff Review, and Construction Inspection Fees

14. COUNTERPARTS

This MOU may be executed in counterparts, each of which, when executed and delivered, shall be deemed to be an original, and all of which, taken together, shall be deemed to be one and the same instrument.

Remainder of this page intentionally left blank.

Memorandum of Understanding Between the Santa Clara Valley Water District and the City of Milpitas for Waiver of Permit, Land-Use, Staff Review, and Construction Inspection Fees

In WITNESS WHEREOF, the Parties has executed this MOU as of the date and year stated below.

**CITY OF MILPITAS, CALIFORNIA,
a State of California municipal corporation**

APPROVED AS TO FORM:



CHRISTOPHER DIAZ
City Attorney

Dated:



Acting City of Milpitas
City Manager

Dated:

6-20-17

**SANTA CLARA VALLEY WATER DISTRICT,
a special district of the State of California**

APPROVED AS TO FORM:



ANTHONY FULCHER
Senior Assistant District Counsel

Dated:



NORMA J. CAMACHO
Interim Chief Executive Officer

Dated:

6/5/17

Exhibit "A"

Designated MILPITAS Projects

1. Marylinn Drive Sanitary Sewer Rehabilitation, Project 6115 & 6116 (Lower Penitencia Creek)

Project Description (FY 2017-18)

Projects 6115 & 6116 provide for the installation of Cured-In-Place-Pipe (CIPP) to repair the City's 27" and 30" diameter trunk sewer within Marylinn Drive and crossing under I-880. This vital trunk sewer drains portions of the eastern side of the City and transports sewage to the City's main pump station. The pipeline was installed in the late 1950's and has reached the end of their service life and are deteriorating. Project work also includes the installation of two sewer laterals on Marylinn Drive and the installation of a temporary high-line to divert sewage flows from the 27" and 30" trunk mains during CIPP repair. The sewer bypass high-line would be installed along the top edge of the District levee maintenance road of Lower Penitencia Creek from Barker Street to California Circle. Major Benefits include:

- Repair the deteriorating 27 and 30" sewer trunk main and eliminate the potential of a sewage overflow affecting District facilities.
- Provide decrease in maintenance costs due to a new pipe interior.

2. Dempsey Road Water and storm Line Replacement, Project 7100, 7118, 7129, & 3709 (Upper Berryessa Creek)

Project Description (FY 2017-18)

This project provides for the replacement of undersized and aging water line from Calaveras Blvd. and Hillview Drive, and routes under I-680 to Dempsey Road, and along Dempsey Road between Yosemite Drive and Calaveras Blvd. Work includes replacement of an aging and undersized storm drain line between Yosemite Drive and Calaveras Blvd. Project provides for the expansion of the City's recycled water pipeline network with the installation of a recycled water line from Hillview Drive under I-680 to Dempsey Road. Major Benefits include:

- Improvement in water supply to residents and business serviced by this line, and decreased maintenance costs due to emergency water line break repairs.
- The new storm drain line and appurtenances will result in decreased flooding and associated damages during winter storm events.
- The new recycled water line will allow for recycled water to be used on the east side of I-680.

3. Penitencia East Channel Pedestrian Bridge, Project 2005 (Between McCandless Drive and Montague Expressway)

Project Description (FY 2015-16)

This project provides for the construction of a pedestrian bridge over the Penitencia East Channel connecting the Centrepont "C" Development to the City's new McCandless

Park. The location of the bridge is midway between McCandless Drive and Montague Expressway. Major Benefits include:

- Connection of the levee trail system on either side of Penitencia East Channel.
- Connection of development on northside of Creek with McCandless Park and the new MUSD elementary school on McCandless Drive.
- Provides circulation infrastructure improvement for safety and convenience of pedestrians.

4. Montague Pedestrian Overcrossing at Penitencia East Channel. (Bridge crosses Montague Expressway at the north of the Penitencia East Channel)

Project Description (FY 2021-22)

This project provides for the construction of a pedestrian bridge over Montague Expressway north of Sango Court, and adjacent to the District's Lower Penitencia East Channel. Conceptual drawings show the pedestrian bridge crossing over Montague Expressway north of the Penitencia East Channel with the landings on either side outside the District's property. If the improvements are located outside the District's property, a District permit will not be required. Major Benefits include:

- Connection of the levee trail system of Penitencia East Channel across Montague Expressway.
- Provides circulation infrastructure improvement for safety and convenience of pedestrians.
- Installation of pedestrian overcrossing is in compliance with City Transit Area Specific Plan (TASP).

5. Lower Berryessa Creek Water Line (Berryessa Creek south of Calera Creek)

Project Description (FY 2018-19)

This project provides for construction of a potable water main under Berryessa Creek south of Calera Creek to relocate/replace at existing main. The City owns an existing 12" diameter water main crossing under Berryessa Creek south of Calera Creek. The existing main ties into the City water system at the intersection of San Andreas Drive/ Pescadero Street to the west, and near Hanson Court to the east. The existing main was installed in the 1950's and its location and details are not well documented. The installation of a new water main is desired and abandonment of the existing pipeline is desired. Major Benefits include:

- Provides for the replacement and or relocating of an older water main that is not well documented.
- Project provides the City with the opportunity to upsize the pipe size should a size increase be determined to be required.

6. Recycled Water Pipeline Segment 5 (Upper Berryessa Creek at Ames Avenue)

Project Description (FY 2019-20)

This project provides for the construction of a recycled water pipeline from South Milpitas Boulevard east across Upper Berryessa Creek to Sinclair Frontage Road. The crossing of Berryessa Creek at Ames Avenue would either involve hanging the pipeline of the existing City Bridge or would require a bore under the creek. Major Benefits include:

- Provides for the replacement and or relocation of an older water main that is not well documented which benefits both the city and District.
- Provides a new water pipeline which reduces the potential for a break and reduces city maintenance costs.

7. Flap Gate Replacement (City wide)

Project Description (FY 2017-18)

This project provides for the evaluation of existing city storm drain outfalls to District creeks to determine where improvements are required. The project also provides for the design and construction of replacement flap gates and installation of check valve assemblies. Major Benefits include:

- Provides for the replacement of damaged outfalls benefits both the city and District.
- Aids in the reduction of flood hazards.

Exhibit “B”

Designated DISTRICT Projects

1. Upper Berryessa Creek, Interstate 680 to Old Piedmont Road, Flood Protection – Coyote Watershed

Project Description

This project is a partnership with the U.S. Army Corp of Engineers (USACE) to plan, design and construct flood improvements to protect homes in Milpitas and San Jose, as well as Silicon Valley's commercial district, from a 1% flood flow. The Bay Area Rapid Transit (BART) 10-mile extension project spans from Warm Springs Station in Fremont to the North San Jose Berryessa area. The new Milpitas Station is partially underground, located in the Berryessa Creek floodplain and is scheduled for revenue service December 2017. The Berryessa Creek project's completion is critical to the BART extension's planned operations. Objectives include:

- Protect up to 1,662 businesses and homes in Milpitas and San Jose from a 1% flood saving potential damages in excess of \$527 million
- Provide protection for more than 30 miles of streets including Highway 237 and Montague Expressway
- Obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA)
- Incorporate the District's Clean, Safe Creeks and Natural Flood Protection (NFP) Program Objectives

2. Lower Berryessa Creek, Lower Penitencia Creek to Calaveras Boulevard, Flood Protection – Coyote Watershed (Phase 2)

Project Description

This project plans, designs, and constructs improvements along approximately 1.7 miles of Berryessa Creek and its tributaries, from the confluence with Lower Penitencia Creek south to Calaveras Boulevard and the lower reach of Calera Creek (Phases 1 and 2), and Upper Calera and Tularcitos Creeks (Phase 3), to accomplish the following objectives:

- Provide one-percent flood protection to 1,823 homes, businesses, and public buildings in the surrounding area.
- Improve earthen levees on the east and north sides of the creek.
- Improve maintenance access and safety for District staff.
- Establish revegetation of freshwater wetlands and riparian habitat within the channel.

- Identify opportunities to integrate recreation inputs consistent with the City of Milpitas' Trail Master Plan.
- Obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA).
- Incorporate the District's Clean, Safe Creeks and Natural Flood Protection (NFP) Program Objectives.

3. Lower Penitencia Creek Improvements, Berryessa to Coyote Creeks, Flood Protection – Coyote Watershed

Project Description

This project plans, designs, and constructs improvements along approximately 1 mile of Lower Penitencia Creek from the downstream confluence with Coyote Creek to the upstream confluence with Lower Berryessa Creek, to accomplish the following objectives:

- Complete improvements to carry the new one-percent flow coming from the Upper Berryessa Creek Project
- Minimize maintenance requirements
- Minimize existing habitat impacts
- Minimize impacts to existing trails
- Obtain FEMA certification of the improvements

4. Modifications/New Streamgage Installations on MILPITAS Bridges

Project Description

This project includes modifying existing streamgages, including those planned for as part of the capital projects included in this agreement, and installation of new streamgages on MILPITAS bridges at locations to be identified during the term of this agreement. Mounting flow monitoring instrumentation on MILPITAS bridges for flow monitoring allows the DISTRICT to improve the accuracy of flood warning services that can be used to accomplish the following objectives:

- Enhance local agencies and cities, National Weather Service, and the California Nevada River Forecast Center response to storm-related emergencies
- Assist municipalities and neighborhoods to lessen flood impacts by providing real-time creek stage and flow information listed on the DISTRICT's website

5. Maintenance Work on Improved Creeks and Levees in Milpitas

Project Description

This project includes the DISTRICT's responsibilities for stream and levee maintenance within the City of Milpitas. Major benefits include:

- Continued flood protection for the residents and businesses of Milpitas
- Levee repairs and sediment and vegetation removal as part of the Stream Maintenance Program



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|------------------------|---|
| Item Title: | Report on Suspension of the State Carry-Out Bag Law Under Executive Order N-54-20 |
| Category: | Consent Calendar-Leadership and Support Services |
| Meeting Date: | 5/19/2020 |
| Staff Contact: | Christopher J. Diaz, City Attorney, 408-586-3040 |
| Recommendation: | Receive and accept the report on suspension of the state's Carry-Out Bag law under Executive Order N-54-20. |

Background:

On September 15, 2015, the City Council adopted Ordinance No. 287 regulating the provision of point-of-sale bags at covered retail establishments located within the City. The ordinance, which was implemented on January 1, 2016, prohibits retail establishments, including grocery stores, from providing single-use carry-out bags to customers unless those bags are recycled paper bags or reusable bags as defined by the Ordinance, and a minimum of 10 cents per bag is charged to the customer.

On March 31, 2020, in response to the COVID-19 pandemic, the Health Officer of the County of Santa Clara issued an order requiring essential businesses to implement social distancing protocols, including *not allowing customers to bring their own bags*, mugs, or other reusable items from home. The most recent order of the County's Health Officer, effective May 4, 2020, includes the same requirement.

On April 22, 2020, in an effort to protect the public health and safety and minimize the risk of COVID-19 exposure for workers engaged in essential activities, Governor Newsom issued Executive Order N-54-20 suspending for a period of 60 days the State law provisions prohibiting retail establishments from (a) providing without charge reusable grocery bags or recycled paper bags to customers at point of sale, or (b) where it is not possible to provide reusable grocery bags or recycled paper bags, providing single-use carryout bags to customers at point of sale. The Order's 60-day suspension does not apply to single-use bag bans enacted by local municipalities in effect *prior to January 1, 2015*.

Analysis:

Executive Order N-54-20 suspends Public Resources Code section 42283 for a period of 60 days. Prior to the suspension of the law, Public Resources Code section 42283 prohibited a retail establishment from selling or distributing a reusable grocery bag or recycled paper bag at the point of sale unless it made that bag available for purchase for not less than 10 cents.

Executive Order N-54-20 does not apply to local jurisdictions that implemented ordinances on single-use bags before January 1, 2015. Pursuant to Public Resources Code section 42287, those jurisdictions may continue to enforce and implement local ordinances relating to reusable grocery bags, single-use carry-out bags, or recycled paper bags.

Because the City's single-use bag ordinance took effect after January 1, 2015, the City is not exempt from the Governor's order temporarily suspending the State carry-out bag law for stores identified in Public Resources Code section 42283. This means that for the period of the order, retail establishments in the City, including

grocery stores, are not subject to the requirements of the City's ordinance and may therefore provide a reusable or recycled paper bag at checkout without charging the customer a fee of 10 cents per bag. Additionally, where a reusable or recycled bag is not available, a retailer may provide a single-use carry-out bag at checkout.

Enforcement Considerations

Since Executive Order N-54-20 went into effect, staff has received inquiries from the public regarding retail establishments charging for reusable bags or recycled bags, and whether the City can require retailers to waive reusable or recycled bag charges.

While the Governor's order suspends the requirement that stores must charge at least 10 cents per bag, it does not prohibit those stores from imposing charges. In other words, stores are now allowed to provide a reusable or recycled bag at no charge under the provisions of the order, but are not required to do so. Retailers are also not prohibited from providing single-use carry-out bags to customers at checkout where a reusable or recycled bag is not available. Moreover, although the order states that jurisdictions may "apply any emergency rules established by those jurisdictions and their respective health departments," that authority appears to be limited to those local jurisdictions with ordinances governing the use of single-use carryout bags in effect before January 1, 2015. The City's ability to impose additional regulations upon retailers (e.g., prohibiting stores from charging customers 10 cents for reusable bags) may therefore be restricted to the extent that such regulations are inconsistent with the provisions of Executive Order N-54-20. With that said, the City can always attempt to educate retailers in the City on the Governor's Order and encourage them not to charge for reusable or recycled bags in light of the pandemic.

Finally, it should be noted that the County Health Officer's order requires essential businesses such as grocery stores to continue to implement social distancing protocols, including not permitting customers to bring any reusable item, including bags, into stores. Thus, under these protocols, customers would also be prohibited from bringing their own reusable bags into stores.

Policy Alternative:

Not applicable.

Fiscal Impact:

There is no fiscal impact associated with this informational report.

California Environmental Quality Act:

Not applicable

Recommendation:

Receive and accept the report on suspension of the state's Carry-Out Bag law under Executive Order N-54-20.

Attachment

None



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|-------------------------|---|
| Item Title: | Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2020-21 |
| Category: | Public Hearings-Community Development |
| Meeting Date: | 5/19/2020 |
| Staff Contact: | Steve Erickson, City Engineer, 408-586-3301 |
| Recommendations: | <ol style="list-style-type: none">1. Open the public hearing, receive any comments, and move to close the hearing following any testimony.2. Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2020-21. |

Background:

Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch (LLMD 95-1) provides for the maintenance and improvement of public landscaping, irrigation systems, pedestrian lighting, gateway columns and entry signs along portions of North McCarthy Boulevard and the Ranch Drive gateway between State Route 237 and Dixon Landing Road in the areas as shown on the attached location map.

Analysis:

On May 5, 2020, the City Council adopted Resolution No. 8964 approving the Annual Engineer's Report, and adopted Resolution No. 8965 declaring its intention to levy and collect assessment for Fiscal Year 2020-21 for the Landscaping and Lighting Maintenance Assessment District No. 95-1.

An annual public hearing is necessary to adopt the Annual Engineer's Report to provide funds for the district. The total assessment for fiscal year 2020-21 is \$374,361, with an assessment rate not exceeding the maximum rate per square foot.

Policy Alternative:

Alternative: Do not adopt resolution confirming the assessment and ordering the levy for LLMD 95-1.

Pros: None

Cons: The Landscaping and Lighting Act of 1972 requires the legislative body to adopt a resolution confirming the diagram and assessment; not adopting a resolution of confirmation would jeopardize the City's ability to collect assessments for the maintenance and upkeep of LLMD 95-1.

Reason not recommended: To allow for the continued maintenance of LLMD 95-1, staff recommends approving the resolution confirming the assessment and ordering the levy for fiscal year 2020-21.

Fiscal Impact:

The levy and collection of assessments provides a funding resource for the City to improve and maintain public landscaping, irrigation systems, pedestrian lighting, gateway columns and entry signs within LLMD 95-1.

California Environmental Quality Act:

Levy and collection of assessment is not considered a project under CEQA as there will be no direct or reasonably foreseeable indirect physical change in the environment.

Recommendations:

1. Open the public hearing, receive any comments, and move to close the hearing following any testimony.
2. Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch for Fiscal Year 2020-21.

Attachments:

- a) Resolution
- b) Annual Engineer's Report
- c) Location Map

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS CONFIRMING THE
ASSESSMENT AND ORDERING THE LEVY FOR THE LANDSCAPING AND LIGHTING MAINTENANCE
ASSESSMENT DISTRICT NO. 95-1 FOR FISCAL YEAR 2020-21**

WHEREAS, the City Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the “Act”) to establish the Landscaping and Lighting Maintenance Assessment District (the “Assessment District”); and

WHEREAS, the City Council has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and the preparation and filing of an Annual Report; and

WHEREAS, the City Council has, by previous resolution, declared its intention to hold a Public Hearing concerning the levy and collection of assessments within the Assessment District; and

WHEREAS, a Public Hearing has been held and concluded and notice thereof was duly given in accordance with Section 22626 of the Act; and

WHEREAS, at the time and place specified in the Resolution of Intention the City Council conducted such hearing and considered all objections to the assessment.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. Confirmation of Assessment and Diagram: The City Council hereby confirms the assessment and the diagram as is described in full detail in the Annual Report on file with the City Clerk.
2. Levy of Assessment: Pursuant to Section 22631 of the Act, the adoption of this Resolution shall constitute the levy of an assessment for the fiscal year commencing July 1, 2020, and ending June 30, 2021.
3. Ordering of the Levy: The City Council hereby orders NBS to prepare and submit the levy of assessments to Santa Clara County for placement on the Fiscal Year 2020-21 secured property tax roll.

PASSED AND ADOPTED this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

CITY OF MILPITAS

Fiscal Year 2020/21 Annual Report For:

Landscaping and Lighting Maintenance Assessment District No. 95-1

March 2020

Prepared by:



Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516

CITY OF MILPITAS
LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 95-1
455 East Calaveras Boulevard
Milpitas, California 95035
Phone (408) 586-3000

CITY COUNCIL

Rich Tran, Mayor

Bob Nuñez, Vice-Mayor

Karina R. Dominguez, Council Member

Carmen Montano, Council Member

Anthony Phan, Council Member

CITY STAFF

Steve Erickson, PE, Director of Engineering/City Engineer

Walter C. Rossmann, Director of Financial Services

Tony Ndah, Director of Public Works

NBS

Tim Seufert, Client Services Director

Adina McCargo, Project Manager

Tiffany Ellis, Senior Consultant

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1. ENGINEER'S LETTER

WHEREAS, in 1995 the City Council of the City of Milpitas (the "City"), State of California, under the Landscaping and Lighting Act of 1972 (the "Act"), created the City of Milpitas Landscaping and Lighting Maintenance Assessment District No. 95-1 (the "District") in order to provide for the continued maintenance, operation, and administration of various improvements within the boundaries of the District; and

WHEREAS, the City Council has directed NBS to prepare and file a report for Fiscal Year 2020/21 in accordance with Chapter 1, Article 4 of the Act presenting plans and specifications describing the general nature, location and extent of the improvements to be maintained; an estimate of the costs to maintain, operate, and service the improvements for the District for the referenced fiscal year; a diagram for the District showing the area and properties to be assessed; and an assessment of the estimated costs to maintain and service the improvements, stating the net amount to be assessed upon all assessable lots or parcels within the District in proportion to the special benefit received.

NOW THEREFORE, the following assessments have been calculated in accordance with the assessment methodology adopted and approved by the City Council at the time of District formation, and are made to cover the portion of the estimated costs of maintenance, operation, and servicing of the improvements, to be paid by the assessable real property within the District in proportion to the special benefit received:

| District | Parcels | 2020/21 Maximum Assessment Rate per Lot Sq. Ft. ⁽¹⁾ | 2020/21 Actual Assessment Rate per Lot Sq. Ft. | 2020/21 Net Amount to be Assessed ⁽²⁾⁽³⁾ |
|------------|---------|--|--|---|
| LLMAD 95-1 | 44 | \$0.0481 | \$0.0317 | \$374,360.81 |

⁽¹⁾ The April 1, 2020 CPI was not available at the time of writing of this Report. The Fiscal Year 2020/21 CPI increase was estimated using the February 2020/21 CPI.

⁽²⁾ Amounts placed on the tax roll include the 1% Santa Clara County Collection Fee.

⁽³⁾ This amount is only an estimate and does not reflect the final billed amount with rounding adjustments. Refer to Section 7 for the rounded figure.

I identified all parcels which will have a special benefit conferred upon them from the improvements described in District's Plans and Specifications section of this Engineer's Report (the "Benefited Parcels"). For particulars as to the identification of said parcels, reference is made to the Assessment Diagram, a copy of which is on file in the office of the City Clerk.

I have assessed the costs and expenses of the improvements upon the Benefited Parcels. In making such assessment:

- The proportionate special benefit derived by each Benefited Parcel from the improvements was determined in relationship to the entirety of the maintenance costs of the improvements;
- No assessment has been imposed on any Benefited Parcel which exceeds the reasonable cost of the proportional special benefit conferred on such parcel from the improvements; and
- Any general benefits from the improvements have been separated from the special benefits and only special benefits have been assessed.

I, the undersigned, respectfully submit the enclosed Engineer's Report and, to the best of my knowledge, information and belief, the Engineer's Report, Assessments, and the Assessment Diagrams herein have been prepared and computed in accordance with the order of the City Council of the City of Milpitas, the Act, and Article XIIID.

Steven Erickson, PE
Director of Engineering/City Engineer

2. PLANS AND SPECIFICATIONS

The District provides for the continued administration, maintenance, operation, and servicing of various improvements located within the public right-of-way and dedicated easements within the boundaries of the District.

2.1 Location of Improvements

The District is located on the west side of the City of Milpitas, bounded on the east by State Route 880, on the west by Coyote Creek, on the south by State Route 237, and on the north by Dixon Landing Road. The improvements maintained include public landscaping and irrigation improvements, including jogging paths, pedestrian lighting, gateway improvements, and entry signage, which are primarily situated within the public right-of-way and dedicated public easements within the District.

2.2 Landscaping Improvements

Landscaping, pedestrian lighting, gateway, and signage improvements were installed along the roadways and sidewalks within the District to enhance the overall visual appearance for adjacent parcels.

The improvements within the District consist of the maintenance and installation of any or all public landscaping and irrigation improvements adjacent to curbs of the following described streets, including jogging paths, planter walls, grass berms, pedestrian lighting and appurtenant irrigation systems, ornamental planting including lawns, shrubs, and trees; installation and maintenance of gateway columns and entry signs. Such maintenance includes all necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal and all other items of work necessary and incidental for property maintenance and operation thereof. The landscaping, irrigation, pedestrian lighting, gateway, and signage improvements are collectively referred to as “landscaping improvements”. All such work will be performed in the following areas:

2.2.1 N. MCCARTHY BOULEVARD

1. A strip of land including an earth berm approximately 50 feet in width from face of each curb line, from the southerly connection with Ranch Drive northerly 2,400 feet, more or less, to the northerly connection with Ranch Drive. A strip of land including a grass berm approximately 35 feet in width, west of the face of westerly curb, along the West Side of N. McCarthy Boulevard, from the southerly connection with Ranch Drive, northerly 2,400 feet, more or less. The initial phase includes a strip of land 6 feet wide on the west side of McCarthy Boulevard.
2. Commencing at a location approximately 2,400 feet north of State Route 237 thence proceeding north to the northern boundary of Lands of N. McCarthy, 7,800 feet more or less, a strip of land approximately 27 to 34 feet in width on each side along the east and west sides of McCarthy Boulevard between the northerly connection with Ranch Drive and Dixon Landing Road.
3. A median island from the southerly intersection with Ranch Drive northerly to the intersection with Dixon Landing Road.

4. Gateway Improvements, at the southerly intersection of N. McCarthy Boulevard and Ranch Drive and southerly of Bridge No. 1 along N. McCarthy Boulevard, including curved stone planter walls, gateway columns with entry sign appurtenant mounding ornamental plantings including flat work, trees and ground cover, irrigation systems; all as shown on landscape plans.
5. Lighting costs in the District are limited to the supplemental pedestrian lights installed between each of the 2 street lights on the section of curved walkway located on the East Side of N. McCarthy Boulevard. The conventional lighting along McCarthy Boulevard is not included.

2.2.2 MILPITAS ENTRY SIGN

1. City of Milpitas Entry Identification Sign along N. McCarthy Blvd., including walls, columns, lighting and other appurtenances.

2.2.3 RANCH DRIVE

1. Commencing at a Northerly location where the right-of-way of Ranch Drive is contiguous with the right-of-way of Interstate 880, thence southerly, a strip of land approximately 10 feet in width measured from the east face of curb of Ranch Drive, from the northerly connection with Interstate 880 and Ranch Drive, southerly 630 feet, more or less, thence 405 feet south to the southerly end of Gateway location, varying in width from 10 feet to 132 feet, more or less.
2. Gateway Improvements, at the southerly connection of Ranch Drive and Interstate 880, including curved stone planter walls, gateway columns with entry sign appurtenant mounding ornamental plantings including flat work, trees and ground cover, irrigation systems; all as shown on landscape plans (Part A), except the Shopping Center's Monument Sign.

2.3 Overhead

In addition to the hard costs of maintaining the improvements mentioned above, the City will incur costs for staff time and expenses related to the management and maintenance of the improvements within the District. Staff time includes oversight and coordination of both City and contractor provided services, annual tax roll preparation, and addressing property owner questions and concerns. These activities are directly related to the maintenance of the improvements, and without them the improvements could not be efficiently completed or properly maintained on an ongoing basis.

3. ESTIMATE OF COSTS

The estimated costs of maintenance and servicing of the improvements as described in the Plans and Specifications are summarized below.

3.1 District Budget

The Fiscal Year 2020/21 estimated cost budget for the maintenance and servicing of the improvements is as follows:

| Description | Fiscal Year 2020/21 Budget |
|---|----------------------------|
| Maintenance Staff and Contract Services ⁽¹⁾ | \$260,750 |
| Capital Equipment | 0 |
| Supplies | 2,450 |
| Utilities (Water, Electricity) | 41,180 |
| Reserve Fund | 0 |
| Capital Improvement Program | 85,000 |
| Maintenance Costs | \$389,380 |
| NBS | \$4,350 |
| City Staff District Administration | 250 |
| County Auditor-Controller Fee ⁽²⁾ | 3,744 |
| District Specific Costs | \$8,344 |
| Total District Costs | \$397,724 |
| General Benefit Contribution ⁽³⁾ | (23,363) |
| Operating Reserve Contribution | 0 |
| Net Amount to be Assessed | \$374,361 |
| Total District Square Footage⁽⁴⁾ | 11,792,520 |
| Rate per Square Foot⁽⁵⁾⁽⁶⁾ | \$0.0317 |
| Maximum Rate Per Square Foot – 2020/21⁽⁷⁾ | \$0.0481 |

⁽¹⁾ For 2020/21 Landscape Maintenance Contract Services includes Terracare and Irvine Company.

⁽²⁾ County Auditor-Controller Fee is currently 1% of the total levy submittal.

⁽³⁾ General Benefit Contribution is not applied to District Specific Costs as these are special benefits to the District.

⁽⁴⁾ Total District Square Footage includes the 50% reduction for Parcel 5-7 (Sewer Main Pump Station) and Parcel 5-3C (Storm Pump Station).

⁽⁵⁾ The Rate per Square Foot equals the Net Amount to be Assessed / Total District Square Footage.

⁽⁶⁾ The assessed rate cannot exceed the maximum rate.

⁽⁷⁾ The April 1, 2020 CPI was not available at the time of writing of this Report. The Fiscal Year 2020/21 CPI increase was estimated by using the February 2020/21 CPI.

3.1.1 OPERATING RESERVE

It is the intent of the City to maintain an operating reserve which shall not exceed the estimated costs of maintenance and servicing of the improvements prior to December 10 of the fiscal year, or when the City expects to receive its apportionment of special assessments from the County, whichever is later. The operating reserve balance information for the District is as follows:

| | |
|--|------------------|
| Estimated Fiscal Year Ending 6/30/2020 Operating Reserve Cash Balance | \$159,000 |
| Operating Reserve Collection for Fiscal Year 2020/21 | 0 |
| Estimated Fiscal Year Ending 6/30/2021 Operating Reserve Cash Balance | \$159,000 |

4. SPECIAL AND GENERAL BENEFIT

The improvements defined in Section 2 are expected to confer certain special benefits to parcels within the District. The special benefits are described in this section. Figures in this section are derived from a Special v. General Benefit Analysis performed in Fiscal Year 2014/15.

4.1 Introduction

Pursuant to Article XIID, all parcels that receive a special benefit conferred upon them because of the installation, implementation and maintenance of the improvements, services and activities shall be identified, and the proportionate special benefit derived by each identified parcel shall be determined in relationship to the entire costs of the installation, implementation and maintenance of the improvements, services and activities.

Article XIID, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property. Proposition 218 requires that the City separate the general benefit from special benefit, so that only special benefit may be assessed to properties within the District. Furthermore, Article XIID also provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment.

4.2 Special Benefits Identified

The improvements described in Section 2 are expected to confer certain special benefits to parcels within the District. The special benefits conferred to property within the District can be grouped into three primary benefit categories: aesthetic benefit, safety benefit, and economic benefit. The three district benefit categories are further expanded upon below.

- **Improved Aesthetics:** The aesthetic benefit relates to the increase in the overall aesthetics because of the ongoing maintenance, servicing, and operation of the improvements within the District. The landscaping improvements enhance the overall image and desirability of the properties within the District. Street landscaping improvements improve the livability, commercial activity, appearance, and desirability for properties within the District. Regular maintenance ensures that the improvements do not reach a state of deterioration or disrepair to be materially detrimental to properties adjacent to or in close proximity to the improvements. The overall appeal of the District is enhanced when improvements are in place and kept in a healthy and satisfactory condition. Conversely, appeal decreases when improvements are not well-maintained, unsafe, or destroyed by the elements or vandalism. Streetscapes have a significant effect on how people view and interact with their community.¹ With streetscapes that are safe and inviting, people are more likely to walk, which can help reduce automobile traffic, improve public health, stimulate local economic activity, and attract residents and visitors to the community.²

¹ Victoria Transport Policy Institute. (2011). *Community Livability. Helping to Create Attractive, Safe, Cohesive Communities*. Retrieved from <http://www.vtpi.org/tadm/tadm97.htm>.

² *Ibid.*

- **Increased Safety:** Well-maintained areas mitigate crime, especially vandalism, and enhance pedestrian safety. A recent study found that after landscape improvements were installed, there was a 46% decrease in crash rates across urban arterial and highway sites and a second study reviewed found a 5% to 20% reduction in mid-block crashes after trees and planters in urban arterial roads were put in place. In addition, there is less graffiti, vandalism, and littering in outdoor spaces with natural landscapes than in comparable plant-less spaces.³ The Victoria Transport Policy Institute has found that streetscapes reduce traffic speeds and when combined with improved pedestrian crossing conditions can significantly reduce collisions.⁴
- **Economic Activity:** Well-maintained street landscape improvements not only make adjacent properties appear more stable and prosperous but can spur investment in the property. The National Complete Streets Coalition notes that street design that is inclusive of all modes of transportation, where appropriate, not only improves conditions for existing businesses, but also is a proven method for revitalizing an area and attracting new development.⁵ Landscaped sidewalks create an inviting place for customers to shop and do business.⁶ Well-maintained and safe District areas will encourage an increase in the overall pedestrian activity. The area will become more pedestrian friendly, thus improving the retail environment by encouraging individuals to shop, dine, and stay within the District boundaries. The District will provide a cleaner more inviting environment to businesses and consumers which will attract, retain and expand the retail and business climate throughout. The effort will reduce vacancy rates and increase lease rates and utilization of property within the District.

4.3 General Benefits Identified

Section 4 of Article XIID of the California Constitution provides that once a local agency which proposes to impose assessments on property has identified those parcels that will have special benefits conferred upon them and upon which an assessment will be imposed, the local agency must next “separate the general benefits from the special benefits conferred,” and only the special benefits can be included in the amount of the assessments imposed.

General benefit is an overall and similar benefit to the public at large resulting from the maintenance of the District’s improvements provided by the assessments levied. The improvements to be maintained by the District are located within the District boundaries only. There will be no District maintenance activities provided for improvements located outside of the District boundaries.

The ongoing maintenance of the District improvements will provide aesthetic, safety, and economic activity benefits to the property within the District. However, it is recognized that the ongoing maintenance activities will also provide a level of benefit to some property within proximity to the District,

³ Wolf, Kathleen L. (2010). *Safe Streets – A Literature Review*. In: *Green Cities: Good Health* (www.greenhealth.washington.edu). College of the Environment, University of Washington.

⁴ Victoria Transport Policy Institute. (2011). *Community Livability. Helping to Create Attractive, Safe, Cohesive Communities*. Retrieved from <http://www.vtpi.org/tdm/tdm97.htm>.

⁵ Pugliese, Philip. (2008). *Complete Streets provide all the elements of multi-modal transportation*. Retrieved from <http://www.americantrails.org/resources/trans/completestreets08.html>

⁶ U.S Department of Transportation. Federal Highway Administration. (2001). *Designing Sidewalks and Trails for Access, Part II of II: Best Practices Design Guide*. Retrieved from http://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/sidewalk2

as well as individuals passing through. Therefore, the general benefit created because of the District maintenance activities has been considered.

4.4 Quantification of Benefit

As a result of the maintenance and operation of the improvements, there will be a level of general benefit to people that do not work or intend to conduct business within the District. In order for property within the District to be assessed only for that portion of special benefits received from the district's maintenance activities, general benefits provided by the ongoing maintenance of the improvements needs to be quantified. The amount of general benefit that is provided from the District's maintenance activities cannot be funded via property owners' assessments.

Based upon the City's General Plan, the streets within the City are classified into one of the following categories: freeway, expressway, arterial, collector, or local streets. The landscaping improvements are primarily located along N McCarthy Boulevard and Ranch Drive, and situated within the public right-of-way. The portion of the maintained landscaping that is located along N McCarthy Boulevard (classified as an arterial street) provides some general benefit to pass-through traffic. Arterial streets are intended to provide a higher degree of mobility and generally serve longer vehicle trips. The landscape improvements within the District boundaries not only serve the parcels in the immediate vicinity, but persons who live outside of the District and are passing by. The City's Traffic Volumes Map⁷ does not identify the percentage of traffic, which is pass-through traffic. The City's Traffic Volumes Map does provide an estimated number of daily trips for N McCarthy Boulevard at the entrance of the District.

| Street Name | Average Number of Vehicles per Day ⁽¹⁾ |
|---|---|
| N McCarthy Boulevard (between SR 237 and Ranch Drive) | 35,050 |

⁽¹⁾ Average Number of Vehicles per Day is from the City of Milpitas Traffic Volumes Map⁸

Before the determination and allocation of the percentage of special and general benefit for the District can be made, the estimated pass-through traffic must be computed. The pass-through trips are vehicles driving along the maintained streets for a portion of their trips, but not working, shopping, or conducting business in the District or benefiting from the landscaping improvements in place. In lieu of having a study that identifies the pass-through traffic, the estimated number of special benefit trips for each parcel based upon its land use has been used. Each parcel within the District was assigned an average daily number of special benefit trips according to the ITE Trip Generation report using the parcel's land use, building size, or number of units. Further, to make sure the number of trips generated by the parcels has not been overstated, the percentage of total trips that are made internally within the development so that both the original and end destination are within the District has been considered. The total special benefit trips have been reduced by approximately 29% (13,810 trips) to account for internal trips between the various businesses within the District. The total number of special benefit trips is therefore 33,708.

⁷ City of Milpitas. (2007). Traffic Volume Map. Retrieved from <http://www.ci.milpitas.ca.gov>

⁸ Ibid.

| Property Type | Combined Trip Generations |
|---|---------------------------|
| Hotel (ITE Land Use 310) | 2,328 |
| Office (ITE Land Uses 710, 714, 750) | 15,809 |
| Restaurant (ITE Land Uses 931, 932, 934) | 6,965 |
| Retail (ITE Land Uses 815, 820, 863, 869) | 22,416 |
| Total Trips | 47,518 |
| Internal Trip Reduction ⁽¹⁾ | (13,810) |
| Total Special Benefit Trips | 33,708 |

⁽¹⁾ The internal trip rate percentage was calculated by using the NCHRP 684 Internal Rate Capture Estimation Tool.⁹

The total of all special benefit trips was removed from the average number of vehicles per day traveling within the District to estimate the number of pass-through trips daily.

| Street Name | Average Number of Vehicles per Day | Less: Estimated Special Benefit Trips | Estimated Number of Pass Through Trips | Estimated % General Benefit |
|--------------------|------------------------------------|---------------------------------------|--|-----------------------------|
| McCarthy Boulevard | 35,050 | 33,708 | 1,342 | 3.83% |

Based on the above calculations, the general benefit portion of the improved aesthetics, increased safety, and economic activity benefits resulting from the landscaping improvements is estimated to be 3.83%, rounded up to 4.00%.

| | |
|-----------------------------------|-------|
| Pass-thru Vehicle General Benefit | 4.00% |
|-----------------------------------|-------|

The commonly accepted distance people will walk for public transportation, goods, and services is one-quarter mile.¹⁰ However, based on the location of the District, and given that it is bounded by State Route 880 and 237, and Coyote Creek, there is not an efficient or practical means of walking into the District. Although unlikely, a person may decide to use the paths within the District, and as such the general benefit portion of the improved aesthetics, increased safety, and economic activity benefits resulting from the landscaping improvements is estimated to be 1.00%.

| | |
|-----------------------------------|-------|
| Pass-thru Walking General Benefit | 1.00% |
|-----------------------------------|-------|

An estimated 1% of all US trips were made by bicycle.¹¹ Although the District is bounded by State Route 880 and 237, and Coyote Creek, there is a bike lane on N McCarthy Boulevard and a bike path along Coyote Creek.¹² According to the National Household Travel Surveys, 49% of bike trips are for recreation, exercise,

⁹ Bochner, Brian S., Hooper, Kevin, Sperry, Benjamin and Dunphy, Robert. National Cooperative Highway Research Program, Transportation Research Board of National Academies (2011). *NCHRP Report 684 Enhancing Trip Capture Estimation for Mixed-use Developments*. Retrieved from onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_684.pdf

¹⁰ Walkscore. (2014). Walk Score Methodology. Retrieved from <http://www.walkscore.com/methodology.shtml>

¹¹ U.S. Department of Transportation. Federal Highway Administration. (2011). *Summary of Travel Trends: 2009 National Household Travel Survey*. (Report No. FHWA-PL-11-022). Retrieved from <http://nhts.ornl.gov>

¹² City of Milpitas. (2002). *General Plan*. Retrieved from <http://www.ci.milpitas.ca.gov>

and sports.¹³ As result of the District maintenance activities, there will be a level of general benefit to bicycle traffic that is not associated with property in the District. As such the general benefit portion of the improved aesthetics, increased safety, and economic activity benefits resulting from the landscaping improvements is estimated to be .50%, rounded up to 1.00%.

| | |
|----------------------------------|-------|
| Pass-thru Biking General Benefit | 1.00% |
|----------------------------------|-------|

4.4.1 COLLECTIVE DISTRICT-WIDE GENERAL BENEFIT

Since the District is comprised of improved aesthetics, safety, and economic activity benefits resulting from the collective landscaping improvements, the activity of both pedestrians and vehicles must be addressed in a collective form rather than independently. The sum of the calculated general benefits is the total general benefit related to vehicle, walking, and biking pass-thru traffic. This general benefit result is provided in the table below:

| | |
|-----------------------------------|--------------|
| Pass-thru Vehicle General Benefit | 4.00% |
| Pass-thru Walking General Benefit | 1.00% |
| Pass-thru Biking General Benefit | 1.00% |
| Total General Benefit | 6.00% |

The general benefit, which is the percentage of the total budget that must be funded through sources other than assessments, is 6.00%. The special benefit then, which is the percentage of the budget that may be funded by assessments, is 94.00%.

¹³ Pucher, J., Buehler R., Meron, F., and Bauman, A. American Journals of Public Health, Supplement 1, Vol 101, No S1 (2011). *Walking and Cycling in the United States, 2001-2009: Evidence from the National Household Travel Surveys*. Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/21551387>

4.5 Special Benefit Trips

A detailed breakdown of the estimated special benefit trips determined by the Special v. General Benefit Analysis performed in Fiscal Year 2014/15 for each parcel in the District is shown below:

| Assmt ID | Assessor's Parcel No. | Land Use Description | Acreage | Gross Leasable Area | Average Trip Rate ⁽¹⁾ | Estimated # of Daily Special Benefit Trips ⁽²⁾ |
|----------|---------------------------|----------------------------|---------|---------------------|----------------------------------|---|
| 1-1A-1 | 022-54-016 | 710 - General office | 1.06 | 4,046 | 11.03 | 44.63 |
| 1-1A-2 | 022-54-017 ⁽³⁾ | 310 – Hotel | 3.29 | 161 | 8.17 | 1,315.37 |
| 1-1A-3 | 022-54-018 ⁽³⁾ | 310 – Hotel | 2.31 | 124 | 8.17 | 1,013.08 |
| 1-1A-4 | 022-54-019 | 934 - Fast Food | 0.19 | - | 496.12 | - |
| 1-1B | 022-54-008 | 934 - Fast Food | 0.78 | 2,912 | 496.12 | 1,444.70 |
| 1-2 | 022-54-002 ⁽⁴⁾ | 820 - Shopping Center | 0.58 | 5,400 | 42.70 | 230.58 |
| 1-3 | 022-54-003 | 932 - High Vol. Restaurant | 1.02 | 5,465 | 127.15 | 694.87 |
| 1-4A | 022-54-009 ⁽⁴⁾ | 869 - Home Superstore | 8.47 | 100,000 | 20.00 | 2,000.00 |
| 1-4B | 022-54-012 ⁽⁴⁾ | 820 - Shopping Center | 3.02 | 20,000 | 42.70 | 854.00 |
| 1-4C | 022-54-013 | 820 - Shopping Center | 0.23 | 10,000 | 42.70 | 427.00 |
| 1-4D | 022-54-015 | 931 - Quality Restaurant | 1.78 | 7,846 | 89.95 | 705.75 |
| 1-4E | 022-54-014 ⁽⁴⁾ | 932 - High Vol. Restaurant | 0.64 | 3,000 | 127.15 | 381.45 |
| 1-4F | 022-54-011 ⁽⁴⁾ | 820 - Shopping Center | 1.31 | 8,000 | 42.70 | 341.60 |
| 1-4G | 022-54-010 | 931 - Quality Restaurant | 1.03 | 7,476 | 89.95 | 672.47 |
| 2-1 | 022-53-001 | 931 - Quality Restaurant | 0.75 | 6,500 | 89.95 | 584.68 |
| 2-2 | 022-53-002 ⁽⁴⁾ | 820 - Shopping Center | 1.23 | 10,000 | 42.70 | 427.00 |
| 2-3 | 022-53-003 ⁽⁴⁾ | 820 - Shopping Center | 0.76 | 8,000 | 42.70 | 341.60 |
| 2-4 | 022-53-004 | 934 - Fast Food | 0.60 | 2,000 | 496.12 | 992.24 |
| 2-5 | 022-53-005 | 934 - Fast Food | 0.74 | 3,000 | 496.12 | 1,488.36 |
| 2-6 | 022-53-006 | 863 – Elect. Superstore | 1.19 | 51,250 | 45.04 | 2,308.30 |
| 2-7 | 022-53-007 | 820 - Shopping Center | 21.92 | 214,094 | 42.70 | 9,141.81 |
| 3 | 022-29-016 | 815 - Discount Superstore | 14.56 | 125,000 | 50.75 | 6,343.75 |
| 4-1A-1 | 022-56-005 | 714 - Corp Headquarters | 2.03 | 115,753 | 7.98 | 923.71 |
| 4-1A-2 | 022-56-006 | 714 - Corp Headquarters | 2.06 | 174,483 | 7.98 | 1,392.37 |
| 4-1A-3 | 022-56-007 | 714 - Corp Headquarters | 2.07 | 177,483 | 7.98 | 1,416.31 |
| 4-1A-4 | 022-56-008 | Undeveloped | 34.52 | - | - | - |
| 4-1A-5 | 022-56-009 | Parking Lot | 24.32 | - | - | - |
| 4-1B | 022-29-037 | Open Space | 6.00 | - | - | - |
| 5-1A-1 | 022-29-034 | 750 - Office Park | 36.66 | 572,660 | 11.42 | 6,539.78 |
| 5-2A-1 | 022-29-035 | 750 - Office Park | 31.14 | 480,772 | 11.42 | 5,490.42 |
| 5-3A-1 | 022-29-040 | Undeveloped | 15.55 | - | - | - |
| 5-3A-2 | 022-29-041 | Undeveloped | 1.00 | - | - | - |
| 5-3A-3 | 022-29-042 | Undeveloped | 6.94 | - | - | - |
| 5-3A-4 | 022-29-043 | Undeveloped | 7.36 | - | - | - |
| 5-3A-5 | 022-29-044 | Undeveloped | 7.73 | - | - | - |
| 5-3B-1A | 022-30-054 | Undeveloped | 5.63 | - | - | - |
| 5-3B-2 | 022-30-038 | Undeveloped | 10.00 | - | - | - |
| 5-3B-3 | 022-30-039 | Undeveloped | 5.22 | - | - | - |
| 5-3C | 022-30-035 ⁽⁵⁾ | Pump Station | 0.19 | - | - | 1.00 |
| 5-5A-1 | 022-30-055 | Undeveloped | 5.60 | - | - | - |
| 5-5A-2 | 022-30-056 | Undeveloped | 0.59 | - | - | - |
| 5-5A-3 | 022-30-057 | Undeveloped | 3.15 | - | - | - |
| 5-6 | 022-30-041 | Open Space | 1.43 | - | - | - |
| 5-7 | 022-30-049 ⁽⁵⁾ | Sewer Pump Station | 9.12 | - | - | 1.00 |

| | |
|--|------------------|
| Total Estimated Daily Special Benefit Trips | 47,517.83 |
| Internal Trip Reduction ⁽⁶⁾ | (13,810.00) |
| Total Special Benefit Trips | 33,707.83 |

(1) *Average Trip Rate per Day is from the Institute of Traffic Engineer's, Trip Generation Report.¹⁴*

(2) *Average Number of Special Benefit Trips per Day is the Average Trip Rate times each 1,000 square feet of gross leasable area.*

(3) *Average Number of Special Benefit Trips per Day is the Average Trip Rate times number of hotel rooms for this parcel.*

(4) *Building Square Feet for this parcel is unavailable at this time. Estimate of square feet was used based on similar building in center.*

(5) *Pump Station trips are an estimate.*

(6) *The internal trip rate percentage was calculated by using the NCHRP 684 Internal Rate Capture Estimation Tool.*

¹⁴ *Trip Generation, 9th Edition: An Informational Report of the Institute of Transportation Engineers.* (2012). Washington, DC: Institute of Transportation Engineers.

5. METHOD OF ASSESSMENT

5.1 Introduction

The special benefits that accrue to the properties in the District are limited to those properties that abut an improved public street or which have been obligated by issuance of bonds for necessary public improvements (the “Benefited Parcels”). Other properties in the District receive only a general benefit from the work of the improvements, and there is also some general benefit that accrues to the community as a whole. As outlined in Section 4, the total amount of general benefit from the improvements is determined to be 6.00%.

The Benefited Parcels receive a special benefit proportionate to their net acreage and thus they are assessed on the basis of total net acreage for all costs associated with the maintenance and installation of the District’s improvements, with the following exceptions:

- Of the 9.12 acres of parcel 022-30-049 (sewer pump station), 5.51 acres is the pump station and is not assessable. The remaining 3.61 acres does not benefit from landscaping as much as other Benefited Parcels because it is dedicated to municipal sanitary sewer and storm facilities use and will not otherwise be developed. Therefore, it is assigned a special benefit equal to 50% of other Benefited Parcels.
- Parcel 022-30-035 (storm pump station) does not benefit from landscaping as much as other Benefited Parcels because it is dedicated to municipal sanitary sewer and storm facilities use and will not otherwise be developed. Therefore, it is assigned a special benefit equal to 50% of other Benefited Parcels.
- Parcel 022-29-037 and parcel 022-30-041 are dedicated to open space and therefore do not receive special benefit from the maintenance and improvements.

5.2 Method of Assessment Spread

The amount of assessment levied on each Benefited Parcel in the District, for Fiscal Year 2020/21, is \$0.0317 per square foot. The assessment rate was determined by taking the Fiscal Year 2020/21 Net Amount to be assessed (\$374,360.81) divided by the total net square footage of the District (11,792,520 sq. ft.).

The maximum assessment rate for Fiscal Year 2020/21 is approximately \$0.0481, which is a preliminary number. Each year the maximum assessment rate per square foot is increased by the percentage change from April 1st of the prior year to April 1st of the current year in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Indexes, Pacific Cities and U.S. City Average, San Francisco-Oakland-Hayward. The April 1, 2020 CPI was not available at the time of writing of this Report. For purposes of this report, the CPI increase was estimated by using the February 2020/21 CPI.

5.3 Maximum Assessment Rates

The following table provides the historical maximum assessment rate for Fiscal Year 2001/02 through the current fiscal year:

| Fiscal Year | CPI | Percentage Increase ⁽¹⁾ | Assessment Rate Range ⁽²⁾ | |
|-------------|---------|------------------------------------|--------------------------------------|----------|
| 2001/02 | 189.1 | N/A | \$0.0120 | \$0.0300 |
| 2002/03 | 193.0 | 2.06% | 0.0122 | 0.0306 |
| 2003/04 | 197.3 | 2.23% | 0.0125 | 0.0313 |
| 2004/05 | 198.3 | 0.51% | 0.0126 | 0.0315 |
| 2005/06 | 202.5 | 2.12% | 0.0129 | 0.0321 |
| 2006/07 | 208.9 | 3.16% | 0.0133 | 0.0331 |
| 2007/08 | 215.842 | 3.32% | 0.0137 | 0.0342 |
| 2008/09 | 222.074 | 2.89% | 0.0141 | 0.0352 |
| 2009/10 | 223.854 | 0.80% | 0.0142 | 0.0355 |
| 2010/11 | 227.697 | 1.72% | 0.0144 | 0.0361 |
| 2011/12 | 234.121 | 2.82% | 0.0149 | 0.0371 |
| 2012/13 | 238.985 | 2.08% | 0.0152 | 0.0379 |
| 2013/14 | 244.675 | 2.38% | 0.0155 | 0.0388 |
| 2014/15 | 251.495 | 2.79% | 0.0160 | 0.0399 |
| 2015/16 | 257.622 | 2.44% | 0.0163 | 0.0409 |
| 2016/17 | 264.565 | 2.70% | 0.0168 | 0.0420 |
| 2017/18 | 274.589 | 3.79% | 0.0174 | 0.0436 |
| 2018/19 | 283.422 | 3.22% | 0.0180 | 0.0450 |
| 2019/20 | 294.801 | 4.01% | 0.0187 | 0.0468 |
| 2020/21 | 299.690 | 2.91% ⁽³⁾ | 0.0193 | 0.0481 |

⁽¹⁾ Percentage increase from April 1 of the prior year to April 1 of the current year in the US Department of Labor, Bureau of Labor Statistics, Consumer Price Indexes, Pacific Cities and US City Average, San Francisco-Oakland-Hayward.

⁽²⁾ The left and right column indicate the minimum and maximum assessment rate, respectively.

⁽³⁾ The April 1, 2020 CPI was not available at the time of writing of this Report. The Fiscal Year 2020/21 CPI increase was estimated using the February 2020/21 CPI.

5.4 Appeals

Any property owner who feels that the amount of their assessment is in error as a result of incorrect information being used to apply the foregoing method of spread may file an appeal with the Finance Director of the City. Any such appeal is limited to the correction of an assessment during the current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Finance Director shall promptly review the information provided by the property owner and if he/she finds that the assessment should be modified, he/she shall have the authority to make the appropriate changes in the assessment roll. If any such changes are provided after the assessment roll has been filed with the County for collection, the Finance Director is authorized to refund to the property owner the amount of any approved reduction.

6. ASSESSMENT DIAGRAM

The following page provides a copy of the assessment diagram of the District.

An assessment was levied by the City Council of the City of Milpitas, County of Santa Clara, State of California on the lots, pieces and parcels of land shown on this assessment diagram. Said assessment was levied on the 3rd day of June 2014; said assessment diagram and the assessment roll were recorded in the Office of the Superintendent of Streets of said City on the 3rd day of June 2014. Reference is made to the assessment roll recorded in the Office of the Superintendent of Streets for the exact amount of such assessment levied against each parcel of land shown on this assessment diagram.

Recorded in the Office of the Superintendent of Streets of the City of Milpitas, County of Santa Clara, State of California, this 3rd day of June 2014.

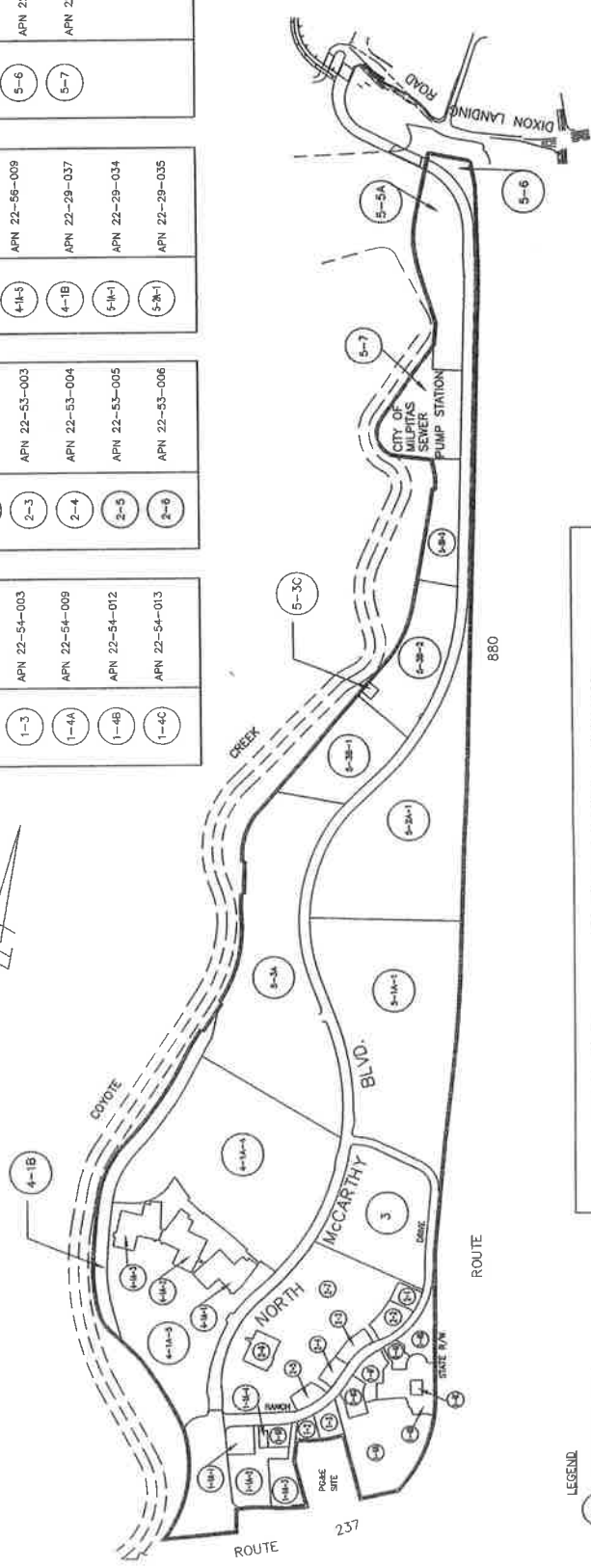
Filed in the Office of the City Clerk of the City of Milpitas, County of Santa Clara, State of California this 20th day of May 2014.

Figure 1

Mary Lavelle
City Clerk of the City of Milpitas

Mary Lavelle
Superintendent of Streets
City of Milpitas

| ASSESSMENT NO. | ASSESSOR'S PARCEL NO. | ASSESSMENT NO. | ASSESSOR'S PARCEL NO. | ASSESSMENT NO. | ASSESSOR'S PARCEL NO. | ASSESSMENT NO. | ASSESSOR'S PARCEL NO. |
|----------------|-----------------------|----------------|-----------------------|----------------|-----------------------|----------------|-----------------------|
| 1-1A-1 | APN 22-54-016 | 1-40 | APN 22-54-015 | 2-7 | APN 22-53-007 | 5-3A | APN 22-29-036 |
| 1-1A-2 | APN 22-54-017 | 1-4E | APN 22-54-014 | 3 | APN 22-29-016 | 5-3B-1 | APN 22-30-037 |
| 1-1A-3 | APN 22-54-018 | 1-4F | APN 22-54-011 | 4-1A-1 | APN 22-56-005 | 5-3B-2 | APN 22-30-038 |
| 1-1A-4 | APN 22-54-019 | 1-4G | APN 22-54-010 | 4-1A-2 | APN 22-56-006 | 5-3B-3 | APN 22-30-039 |
| 1-1B | APN 22-54-008 | 2-1 | APN 22-53-001 | 4-1A-3 | APN 22-56-007 | 5-3C | APN 22-30-035 |
| 1-2 | APN 22-54-002 | 2-2 | APN 22-53-002 | 4-1A-4 | APN 22-56-008 | 5-5A | APN 22-30-048 |
| 1-3 | APN 22-54-003 | 2-3 | APN 22-53-003 | 4-1A-5 | APN 22-56-009 | 5-6 | APN 22-30-041 |
| 1-4A | APN 22-54-009 | 2-4 | APN 22-53-004 | 4-1B | APN 22-29-037 | 5-7 | APN 22-30-049 |
| 1-4B | APN 22-54-012 | 2-5 | APN 22-53-005 | 5-1A-1 | APN 22-29-034 | | |
| 1-4C | APN 22-54-013 | 2-6 | APN 22-53-006 | 5-1A-2 | APN 22-29-035 | | |



LEGEND
 6 ASSESSMENT NO.
 BOUNDARY DISTRICT
 ASSESSMENT LIMIT

PART F - ASSESSMENT DIAGRAM
 LANDSCAPING & LIGHTING & MAINTENANCE
 ASSESSMENT DISTRICT NO. 95-1
 OF
 CITY OF MILPITAS
 COUNTY OF SANTA CLARA - STATE OF CALIFORNIA

Note:
 Reference is hereby made to the maps and deeds of record in the Office of the Assessor of the County of Santa Clara for a detailed description of the lines and dimensions of any parcels shown hereon. These maps shall govern for all details concerning the lines and dimensions of such parcels. Each parcel is identified in said maps by its distinctive Assessor's Parcel Number.

7. ASSESSMENT ROLL

The assessment roll is a listing of the proposed assessment for Fiscal Year 2020/21 apportioned to each lot or parcel, as shown on the last equalized roll of the Assessor of the County of Santa Clara. The following page shows the assessment roll for Fiscal Year 2020/21.

City of Milpitas
Landscaping and Lighting Maintenance Assessment District
No. 95-1
Fiscal Year 2020/21 Assessment Roll

| APN | Owner | Net Sq. Ft. | Fiscal Year 20/21 Levy | Rounding Adj. | Fiscal Year 20/21 Total |
|--------------------------|--|----------------------|---------------------------|------------------|----------------------------|
| 022-29-016 | WAL-MART REAL ESTATE | 634,233.60 | \$20,134.14 | \$0.00 | \$20,134.14 |
| 022-29-034 | MCCARTHY CENTER HOLDINGS LLC | 1,589,504.40 | 50,459.80 | 0.00 | 50,459.80 |
| 022-29-035 | MCCARTHY CENTER HOLDINGS LLC | 1,363,863.60 | 43,296.69 | (0.01) | 43,296.68 |
| 022-29-037 | CITY OF SAN JOSE | 0.00 | 0.00 | 0.00 | 0.00 |
| 022-29-040 | CREEKSIDE MILPITAS LLC | 677,532.24 | 21,508.68 | 0.00 | 21,508.68 |
| 022-29-041 | CREEKSIDE MILPITAS LLC | 43,690.68 | 1,386.99 | (0.01) | 1,386.98 |
| 022-29-042 | CREEKSIDE MILPITAS LLC | 302,349.96 | 9,598.29 | (0.01) | 9,598.28 |
| 022-29-043 | CREEKSIDE MILPITAS 2 LLC | 320,732.28 | 10,181.84 | 0.00 | 10,181.84 |
| 022-29-044 | CREEKSIDE MILPITAS 2 LLC | 336,544.56 | 10,683.81 | (0.01) | 10,683.80 |
| 022-30-035 | MILPITAS CITY OF | 4,138.20 | 131.37 | (0.01) | 131.36 |
| 022-30-038 | NEW TREND TECH INC | 435,600.00 | 13,828.39 | (0.01) | 13,828.38 |
| 022-30-039 | MCCARTHY RANCH LP | 217,800.00 | 6,914.20 | 0.00 | 6,914.20 |
| 022-30-041 | CITY OF MILPITAS | 0.00 | 0.00 | 0.00 | 0.00 |
| 022-30-049 | MILPITAS SANITARY DIST | 78,625.80 | 2,496.02 | 0.00 | 2,496.02 |
| 022-30-054 | CREEKSIDE MILPITAS 2 LLC | 245,329.92 | 7,788.15 | (0.01) | 7,788.14 |
| 022-30-055 | SPRIG CENTER LLC | 243,936.00 | 7,743.90 | 0.00 | 7,743.90 |
| 022-30-056 | SPRIG CENTER LLC | 25,874.64 | 821.41 | (0.01) | 821.40 |
| 022-30-057 | SPRIG CENTER LLC | 137,039.76 | 4,350.41 | (0.01) | 4,350.40 |
| 022-53-001 | HAM JAYNE Y | 32,670.00 | 1,037.13 | (0.01) | 1,037.12 |
| 022-53-002 | TMS MCCARTHY LP | 53,578.80 | 1,700.89 | (0.01) | 1,700.88 |
| 022-53-003 | TMS MCCARTHY LP | 33,105.60 | 1,050.96 | 0.00 | 1,050.96 |
| 022-53-004 | HSC ASSOCIATES LP | 26,136.00 | 829.70 | 0.00 | 829.70 |
| 022-53-005 | HSC ASSOCIATES LP | 32,234.40 | 1,023.30 | 0.00 | 1,023.30 |
| 022-53-006 | TMS MCCARTHY LP | 51,836.40 | 1,645.58 | 0.00 | 1,645.58 |
| 022-53-007 | TMS MCCARTHY LP | 954,835.20 | 30,311.83 | (0.01) | 30,311.82 |
| 022-54-002 | FIRST CREEKSIDE ASSOC | 25,264.80 | 802.05 | (0.01) | 802.04 |
| 022-54-003 | LOO YUK LUN TRUSTEE & ET AL & LOO MEI FONG TRUSTEE | 44,431.20 | 1,410.50 | 0.00 | 1,410.50 |
| 022-54-008 | IN N OUT BURGERS | 33,976.80 | 1,078.61 | (0.01) | 1,078.60 |
| 022-54-009 | MCCARTHY SHOPPING CTR LP | 368,953.20 | 11,712.65 | (0.01) | 11,712.64 |
| 022-54-010 | H & Y NORTHERN CALIFORNIA LLC | 44,866.80 | 1,424.32 | 0.00 | 1,424.32 |
| 022-54-011 | FIRST CREEKSIDE ASSOC | 57,063.60 | 1,811.52 | 0.00 | 1,811.52 |
| 022-54-012 | F&M SORCI LAND COMPANY INC | 131,551.20 | 4,176.17 | (0.01) | 4,176.16 |
| 022-54-013 | F&M SORCI LAND COMPANY INC | 10,018.80 | 318.05 | (0.01) | 318.04 |
| 022-54-014 | J N C INTERNATIONAL ENTPRS LLC | 27,878.40 | 885.02 | 0.00 | 885.02 |
| 022-54-015 | PACIFIC MERITAGE LLC | 77,536.80 | 2,461.45 | (0.01) | 2,461.44 |
| 022-54-016 | HOURET FAM LP | 46,173.60 | 1,465.81 | (0.01) | 1,465.80 |
| 022-54-017 | BRE SELECT HOTELS PROPERTIES LLC | 143,312.40 | 4,549.54 | 0.00 | 4,549.54 |
| 022-54-018 | LL MILPITAS, L P | 100,623.60 | 3,194.36 | 0.00 | 3,194.36 |
| 022-54-019 | IN N OUT BURGERS | 8,276.40 | 262.74 | 0.00 | 262.74 |
| 022-56-005 | HUDSON CAMPUS CENTER LLC | 88,426.80 | 2,807.16 | 0.00 | 2,807.16 |
| 022-56-006 | HUDSON CAMPUS CENTER LLC | 89,733.60 | 2,848.65 | (0.01) | 2,848.64 |
| 022-56-007 | HUDSON CAMPUS CENTER LLC | 90,169.20 | 2,862.48 | 0.00 | 2,862.48 |
| 022-56-008 | HUDSON CAMPUS CENTER LLC | 1,503,691.20 | 47,735.60 | 0.00 | 47,735.60 |
| 022-56-009 | HUDSON CAMPUS CENTER LLC | 1,059,379.20 | 33,630.65 | (0.01) | 33,630.64 |
| Total: 44 Parcels | | 11,792,519.64 | \$374,360.81 | (0.21) | \$374,360.60 |

CITY OF MILPITAS
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT (LLMD) 95-1

(N.T.S.)



2020-2021 FISCAL YEAR LANDSCAPE AREA FUNDED FOR MAINTENANCE



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|-------------------------|---|
| Item Title: | Conduct a Public Hearing and Adopt a Resolution Confirming the Assessment and Ordering the Levy for the Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2020-21 |
| Category: | Public Hearings-Community Development |
| Meeting Date: | 5/19/2020 |
| Staff Contact: | Steve Erickson, City Engineer, 408-586-3301 |
| Recommendations: | <ol style="list-style-type: none">1. Open the public hearing, receive any comments, and move to close the hearing following any testimony.2. Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2020-21. |

Background:

Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon (LLMD 98-1) provides for the maintenance and improvement of public landscaping, irrigation systems, and pedestrian walking path adjacent to Sinclair Frontage Road, and Los Coches Creek abutting the Sinclair Horizon residential subdivision in the areas as shown on the attached location map.

Analysis:

On May 5, 2020, the City Council adopted Resolution No. 8966 approving the Annual Engineer's Report, and adopted Resolution No. 8967 declaring its intention to levy and collect assessment for Fiscal Year 2020-21 for the Landscaping and Lighting Maintenance Assessment District No. 98-1.

An annual public hearing is necessary to adopt the Annual Engineer's Report to provide funds for the district. The total assessment for fiscal year 2020-21 is \$45,894, with an assessment rate not exceeding the maximum rate per lot.

Policy Alternatives:

Alternative 1:

Not approve resolution confirming the assessment and ordering the levy for LLMD 98-1.

Pros: None

Cons: The Landscaping and Lighting Act of 1972 requires the legislative body to adopt a resolution confirming the diagram and assessment; not adopting a resolution of confirmation would jeopardize the City's ability to collect assessments for the maintenance and upkeep of LLMD 98-1.

Reason not recommended: To allow for the continued maintenance of LLMD 98-1, staff recommends approving the resolution confirming the assessment and ordering the levy for fiscal year 2020-21.

Fiscal Impact:

The levy and collection of assessments provides a funding resource for the City to improve and maintain public landscaping, irrigation systems, and pedestrian walking path within LLMD 98-1.

California Environmental Quality Act:

Levy and collection of assessment is not considered a project under CEQA as there will be no direct or reasonably foreseeable indirect physical change in the environment.

Recommendations:

1. Open the public hearing, receive any comments, and move to close the hearing following any testimony.
2. Adopt a Resolution confirming the assessment and ordering the levy for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon for Fiscal Year 2020-21.

Attachments:

- a) Resolution
- b) Annual Engineer's Report
- c) Location Map

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS, CONFIRMING THE
ASSESSMENT AND ORDERING THE LEVY FOR THE LANDSCAPING AND LIGHTING MAINTENANCE
ASSESSMENT DISTRICT NO. 98-1 FOR FISCAL YEAR 2020-21**

WHEREAS, the City Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the “Act”) to establish the Landscaping and Lighting Maintenance Assessment District (the “Assessment District”); and

WHEREAS, the City Council has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and the preparation and filing of an Annual Report; and

WHEREAS, the City Council has, by previous resolution, declared its intention to hold a Public Hearing concerning the levy and collection of assessments within the Assessment District; and

WHEREAS, a Public Hearing has been held and concluded and notice thereof was duly given in accordance with Section 22626 of the Act; and

WHEREAS, at the time and place specified in the Resolution of Intention the City Council conducted such hearing and considered all objections to the assessment.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. Confirmation of Assessment and Diagram: The City Council hereby confirms the assessment and the diagram as is described in full detail in the Annual Report on file with the City Clerk.
2. Levy of Assessment: Pursuant to Section 22631 of the Act, the adoption of this resolution shall constitute the levy of an assessment for the fiscal year commencing July 1, 2020, and ending June 30, 2021.
3. Ordering of the Levy: The City Council hereby orders NBS to prepare and submit the levy of assessments to Santa Clara County for placement on the Fiscal Year 2020-21 secured property tax roll.

PASSED AND ADOPTED this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

CITY OF MILPITAS

Fiscal Year 2020/21 Annual Report For:

Landscaping and Lighting Maintenance Assessment District No. 98-1

April 2020

Prepared by:



Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516

CITY OF MILPITAS
LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 98-1
455 East Calaveras Boulevard
Milpitas, California 95035
(408) 586-3000

CITY COUNCIL

Rich Tran, Mayor

Bob Nuñez, Vice-Mayor

Karina R. Dominguez, Council Member

Carmen Montano, Council Member

Anthony Phan, Council Member

CITY STAFF

Steve Erickson, PE, Director of Engineering/City Engineer

Walter C. Rossmann, Director of Financial Services

Tony Ndah, Director of Public Works

NBS

Tim Seufert, Client Services Director

Adina McCargo, Project Manager

Tiffany Ellis, Senior Consultant

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1. ENGINEER'S LETTER

WHEREAS, in 1998 the City Council of the City of Milpitas (the "City"), State of California, under the Landscaping and Lighting Act of 1972 (the "Act"), created the City of Milpitas Landscaping and Lighting Maintenance Assessment District No. 98-1 (the "District") to provide for the continued maintenance, operation, and administration of various improvements within the boundaries of the District; and

WHEREAS, the City Council has directed NBS to prepare and file a report for Fiscal Year 2020/21 in accordance with Chapter 1, Article 4 of the Act presenting plans and specifications describing the general nature, location and extent of the improvements to be maintained; an estimate of the costs to maintain, operate, and service the improvements for the District for the referenced fiscal year; a diagram for the District showing the area and properties to be assessed; and an assessment of the estimated costs to maintain and service the improvements, stating the net amount to be assessed upon all assessable lots or parcels within the District in proportion to the special benefit received.

NOW THEREFORE, the following assessments have been calculated in accordance with the assessment methodology adopted and approved by the City Council at the time of District formation, and are made to cover the portion of the estimated costs of maintenance, operation, and servicing of the improvements, to be paid by the assessable real property within the District in proportion to the special benefit received:

| District | Parcels | 2020/21 Maximum Assessment Rate per Lot ⁽¹⁾ | 2020/21 Actual Assessment Rate per Lot | 2020/21 Net Amount to be Assessed ⁽²⁾⁽³⁾ |
|------------|---------|--|--|---|
| LLMAD 98-1 | 98 | \$497.07 | \$468.31 | \$45,893.93 |

⁽¹⁾ The April 1, 2020 CPI was not available at the time of writing of this Report. The Fiscal Year 2020/21 CPI increase was estimated using the February 2020/21 CPI.

⁽²⁾ Amounts placed on the tax roll include the 1% Santa Clara County Collection Fee.

⁽³⁾ This amount is only an estimate and does not reflect the final billed amount with rounding adjustments. Refer to Section 7 for the rounded figure.

I identified all parcels which will have a special benefit conferred upon them from the improvements described in District's Plans and Specifications section of this Engineer's Report (the "Benefited Parcels"). For particulars as to the identification of said parcels, reference is made to the Assessment Diagram, a copy is on file in the office of the City Clerk.

I have assessed the costs and expenses of the improvements upon the Benefited Parcels. In making such assessment:

- The proportionate special benefit derived by each Benefited Parcel from the improvements was determined in relationship to the entirety of the maintenance costs of the improvements;
- No assessment has been imposed on any Benefited Parcel which exceeds the reasonable cost of the proportional special benefit conferred on such parcel from the improvements; and
- Any general benefits from the improvements have been separated from the special benefits and only special benefits have been assessed.

I, the undersigned, respectfully submit the enclosed Engineer's Report and, to the best of my knowledge, information and belief, the Engineer's Report, Assessments, and the Assessment Diagrams herein have been prepared and computed in accordance with the order of the City Council of the City of Milpitas, the Act, and Article XIIID.

Steven Erickson, PE
Director of Engineering /City Engineer

2. PLANS AND SPECIFICATIONS

The District provides for the continued administration, maintenance, operation, and servicing of various improvements located within the public right-of-way and dedicated easements within the boundaries of the District.

2.1 Location of Improvements

The District is located in the City of Milpitas, bounded on the east by Sinclair Frontage Road, on the west by Berryessa Creek, and on the north by Los Coches Street. The improvements maintained include public landscaping and irrigation improvements, including jogging paths, planter walls, grass berms, and ornamental planting, which are primarily situated within the public rights-of-way and dedicated public by easements within the District.

2.2 Landscaping Improvements

The landscaping and irrigation improvements were installed within the District in order to enhance the overall visual appearance for adjacent parcels. The improvements consist of the maintenance and operation of any or all public landscaping and irrigation improvements adjacent to curbs, including asphalt concrete jogging paths, planter walls, grass berms, and appurtenant irrigation systems; ornamental planting including lawns, shrubs, and trees, including necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal and all other items of work necessary and incidental for proper maintenance and operation thereof. The landscaping and irrigation improvements are collectively referred to as “landscaping improvements”. All such work will be performed in the following areas:

2.2.1 BERRYESSA CREEK

Due to the widening of the creek, improvements in Berryessa Creek were removed. Any improvements maintained in this reach (asphalt concrete jogging path, exercise equipment, planting, and irrigation) will no longer be maintained or improved.

2.2.2 LOS COCHES CREEK

1. A strip of land 812 feet long, 14 feet in width along the south bank of Los Coches Creek adjacent to Tract 9018. The improvements include an asphalt concrete jogging path, exercise equipment, planting, and irrigation.
2. A strip of land 5.5 feet wide within the Los Coches Street right-of-way between the back of sidewalk and the right-of-way along the south side of Los Coches Street between Berryessa Creek and Sinclair Frontage Rd. The improvements include planting and irrigation.

2.3 Overhead

In addition to the hard costs of maintaining the improvements mentioned above, the City will incur costs for staff time and expenses related to the management and maintenance of the improvements within the District. Staff time includes oversight and coordination of both City and contractor provided services, annual tax roll preparation, and addressing property owner questions and concerns. These activities are directly related to the maintenance of the improvements, and without them the improvements could not be efficiently completed or properly maintained on an ongoing basis.

3. ESTIMATE OF COSTS

The estimated costs of maintenance and servicing of the improvements as described in the Plans and Specifications are summarized below.

3.1 District Budget

The Fiscal Year 2020/21 estimated cost budget for the maintenance and servicing of the improvements is as follows:

| Description | Fiscal Year 2020/21 Budget |
|---|----------------------------|
| Maintenance Staff ⁽¹⁾ | \$17,000 |
| Capital Equipment | 0 |
| Supplies | 1,700 |
| Utilities (Water, Electricity) | 17,495 |
| Reserve Fund | 12,500 |
| <u>Capital Improvement Program</u> | <u>12,500</u> |
| Maintenance Costs | \$61,195 |
| NBS | \$3,450 |
| City Staff District Administration | 250 |
| <u>County Auditor-Controller Fee⁽²⁾</u> | <u>459</u> |
| District Specific Costs | \$4,159 |
| Total District Costs | \$65,354 |
| General Benefit Contribution ⁽³⁾ | (19,460) |
| <u>Operating Reserve Contribution</u> | <u>0</u> |
| Net Amount to be Assessed | \$45,894 |
| Total District Lots | 98 |
| Rate per Lot⁽⁴⁾ | \$468.31 |
| Maximum Rate Per Lot – 2020/21⁽⁵⁾ | \$497.07 |

(1) The City's Department of Public Works is the provider of Maintenance Services.

(2) County Auditor-Controller Fee is currently 1% of the total levy submittal.

(3) General Benefit Contribution is not applied to District Specific Costs as these are special benefits to the District.

(4) The Rate per lot equals the Net Amount to be Assessed / Total District Lots. The Rate cannot exceed the maximum rate.

(5) The April 1, 2020 CPI was not available at the time of writing of this Report. The Fiscal Year 2020/21 CPI increase was estimated by using the February 2020/21 CPI.

3.1.1 OPERATING RESERVE

It is the intent of the City to maintain an operating reserve which shall not exceed the estimated costs of maintenance and servicing of the improvements prior to December 10 of the fiscal year, or when the City expects to receive its apportionment of special assessments from the County, whichever is later. The operating reserve balance information for the District is as follows:

| | |
|--|-----------------|
| Estimated Fiscal Year Ending 6/30/2020 Operating Reserve Cash Balance | \$12,500 |
| Operating Reserve Collection for Fiscal Year 2020/21 | 0 |
| Estimated Fiscal Year Ending 6/30/2021 Operating Reserve Cash Balance | \$12,500 |

4. SPECIAL AND GENERAL BENEFIT

The improvements defined in Section 2 are expected to confer certain special benefits to parcels within the District. The special benefits are described in this section. Figures in this section are derived from a Special v. General Benefit Analysis performed in Fiscal Year 2014/15.

4.1 Introduction

Pursuant to Article XIID, all parcels that receive a special benefit conferred upon them as a result of the installation, implementation and maintenance of the improvements, services and activities shall be identified, and the proportionate special benefit derived by each identified parcel shall be determined in relationship to the entire costs of the installation, implementation and maintenance of the improvements, services and activities.

Article XIID, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property. Proposition 218 requires that the City separate the general benefit from special benefit, so that only special benefit may be assessed to properties within the District. Furthermore, Article XIID also provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment.

4.2 Special Benefits Identified

The improvements described in Section 2 are expected to confer certain special benefits to parcels within the District. The special benefits conferred to property within the District can be grouped into two primary benefit categories: aesthetic benefit and safety benefit. The two district benefit categories are further expanded upon below.

- **Improved Aesthetics:** The aesthetic benefit relates to the increase in the overall aesthetics as a result of the ongoing maintenance, servicing and operation of the improvements within the District. Street landscaping improvements improve the livability, commercial activity, appearance and desirability for properties within the District. Regular maintenance ensures that the improvements do not reach a state of deterioration or disrepair so as to be materially detrimental to properties adjacent to or in close proximity to the improvements. The overall appeal of the District is enhanced when improvements are in place and kept in a healthy and satisfactory condition. Conversely, appeal decreases when improvements are not well-maintained, unsafe, or destroyed by the elements or vandalism. Streetscapes have a significant effect on how people view and interact with their community¹. With streetscapes that are safe and inviting, people are more likely to walk, which can help reduce automobile traffic, improve public health, stimulate local economic activity and attract residents and visitors to the community².
- **Increased Safety:** Well maintained areas mitigate crime, especially vandalism, and enhance pedestrian safety. A recent study found that after landscape improvements were installed, there

¹ Victoria Transport Policy Institute. (2011). *Community Livability. Helping to Create Attractive, Safe, Cohesive Communities*. Retrieved from <http://www.vtpi.org/tdm/tdm97.htm>.

² *Ibid*.

was a 46% decrease in crash rates across urban arterial and highway sites and a second study reviewed found a 5% to 20% reduction in mid-block crashes after trees and planters in urban arterial roads were put in place. In addition, there is less graffiti, vandalism, and littering in outdoor spaces with natural landscapes than in comparable plant-less spaces³. The Victoria Transport Policy Institute has found that streetscapes reduce traffic speeds and when combined with improved pedestrian crossing conditions can significantly reduce collisions⁴.

4.3 General Benefits Identified

Section 4 of Article XIID of the California Constitution provides that once a local agency which proposes to impose assessments on property has identified those parcels that will have special benefits conferred upon them and upon which an assessment will be imposed, the local agency must next “separate the general benefits from the special benefits conferred,” and only the special benefits can be included in the amount of the assessments imposed.

General benefit is an overall and similar benefit to the public at large resulting from the maintenance of the District’s improvements provided by the assessments levied. The improvements to be maintained by the District are located within the District boundaries only. There will be no District maintenance activities provided for improvements located outside of the District boundaries.

The ongoing maintenance of the District improvements will provide aesthetic and safety benefits to the property within the District. However, it is recognized that the ongoing District maintenance activities will also provide a level of benefit to some property within proximity to the District, as well as individuals passing through. Therefore, the general benefit created as a result of the District maintenance activities has been considered.

4.4 Quantification of Benefit

As a result of the maintenance and operation of the improvements, there will be a level of general benefit to people that do not live in or intend to conduct business within the District. In order for property within the District to be assessed only for that portion of special benefits received from the district’s maintenance activities, general benefits provided by the ongoing maintenance of the improvements needs to be quantified. The amount of general benefit that is provided from the District’s maintenance activities cannot be funded via property owners’ assessments.

The landscaping improvements are primarily located along Los Coches Street and Sinclair Frontage Road and within the subdivision along Los Coches Creek and Berryessa Creek. A portion of the maintained landscaping provides some general benefit to pass-thru traffic. Per the City, there is 52,912 square feet of landscaping being maintained.

Los Coches Creek and Berryessa Creek

As result of the District maintenance activities, there will be a level of general benefit to pedestrians and vehicular traffic that are not associated with property in the District. As expressed by the Court in *Beutz v. County of Riverside* (2010), “... courts of this state have long recognized that virtually all public improvement

³ Wolf, Kathleen L. (2010). *Safe Streets – A Literature Review*. In: *Green Cities: Good Health* (www.greenhealth.washington.edu). College of the Environment, University of Washington.

⁴ Victoria Transport Policy Institute. (2011). *Community Livability. Helping to Create Attractive, Safe, Cohesive Communities*. Retrieved from <http://www.vtpi.org/tm97.htm>.

projects provide general benefits." A route beginning or ending with a parcel within the District does not include the "general public" for purposes of determining general benefit. The landscaping improvements along the south side of Los Coches Creek and Berryessa Creek are local in nature, however even though they are intended primarily for localized access, there is some portion of pedestrian traffic that may not be accessing the adjacent properties. The landscaping improvements are located adjacent to the backyard of homes, and access is only available by walking or bicycling. There is no vehicular access to these improvements.

The Summary of Travel Trends, 2009 National Household Travel Survey (NHTS) prepared by the U.S. Department of Transportation Federal Highway Administration analyzed the number of person trips by various modes of transportations such as private vehicle, transit, walking or some other means of transportation. According to the Pacific Division data extracted from the 2009 NHTS database, of the annual 181,703 (in millions) total person trips, 21,252 (in millions) or 11.70% of those person trips were made by using walking as their mode of transportation, and 2,066 (in millions) or 1.14% of those person trips were made by bicycling⁵.

According to the U.S. Census Bureau (2010), the average household size in the City is 3.34 persons⁶. Based on this average household size, and considering there are 98 residential units within the District, there are approximately 327 people residing within the District boundaries. There are an estimated 163 residential units in close proximity, but outside of the District boundaries. Based on the City's average household size, there are approximately 544 persons residing outside of the District boundaries, but have access to the landscaping improvements.

| Community | Estimated Number of Residential Units | Estimated Number of Persons ⁽¹⁾ |
|-------------------------------------|---------------------------------------|--|
| District | 98 | 327 |
| Sundrop Subdivision | 83 | 277 |
| Sinclair Renaissance Subdivision | 80 | 267 |
| Total Residential Population | 261 | 871 |

⁽¹⁾ U.S. Census Bureau (2010) average household size in the City is 3.34 persons.⁷

In order to determine the estimated total number of persons who are within close proximity to the landscaping improvements, and would utilize walking or bicycling as their mode of transportation, we applied the 12.84% (11.70% walking, 1.14% bicycling) of person trips reported from the NHTS Pacific Division study, to the total nearby residential population (871). There are approximately 112 people within close proximity of the District that utilize walking or bicycling as their mode of transportation.

In order to determine the portion of the 112 persons that reside within the District, we applied the 2009 NHTS walking trip percentage (12.84%) to the District population (327). Approximately 42 people within the District boundaries use walking or bicycling as their primary mode of transportation. Therefore, the total

⁵ U.S. Department of Transportation. Federal Highway Administration. (2011). *Summary of Travel Trends: 2009 National Household Travel Survey*. (Report No. FHWA-PL-11-022). Retrieved from <http://nhts.ornl.gov>

⁶ U.S. Census Bureau. (2010). *Profile of General Population and Housing Characteristics: 2010, 2010 Demographic Profile Data. Milpitas, C.A.* Retrieved March 23, 2015, <http://quickfacts.census.gov/qfd/states/06/0647766.html>

⁷ Ibid.

surrounding neighborhood area population, located outside of the District boundaries, but in close proximity the landscaping improvements, that uses walking or bicycling as their primary mode of transportation is estimated to be 70 people.

| Community | Estimated Number of Persons |
|--|-----------------------------|
| District | 42 |
| Sundrop Subdivision | 36 |
| Sinclair Renaissance Subdivision | 34 |
| Walking or Bicycling Population | 112 |

In order to obtain a better picture of the overall level of general benefit provided by the landscaping improvements, the pedestrian traffic that utilizes walking or bicycling as the mode of transportation that will seek out and use the District improvements, but live outside of the District, must be considered. The 2009 NHTS further details the purposes of the reported walking (21,252 in millions) and bicycling (2,066 in millions) trips; based on the property types people entering the District would most likely do so for social or recreational activities.

The following details the number of walking and bicycling trips, based on the 2009 NHTS study, for each of the activities that are the most likely reasons people outside of the District would use the landscaping improvements:

| Trip Purpose | Number of Walking or Bicycling Trips (in millions) |
|---------------------|--|
| Social/Recreational | 6,442 |
| Total | 6,442 |

Of the total number of walking and bicycling trips reported, 6,442 (in millions) or 27.63% are for purposes that persons outside of the District may use the landscaping improvements. Applying this percentage (27.63%) to the number of people walking or bicycling as their mode of transportation and that reside outside of the District (70), there are approximately 19 people (general benefit) that may use the landscaping improvements, but do not reside within the District. Taking the 19 people that may walk or bicycle, but reside outside of the District, divided by total residential population with access to the landscaping improvements (871), the estimated percentage of persons, engaging in what is considered general benefit because they do not reside within the District, represents 2.21%.

Los Coches Street and Sinclair Frontage Road

The City does not have a study showing traffic volume along Los Coches Street and Sinclair Frontage Road along the District boundaries. The portion of the maintained landscaping that is located along Los Coches Street and Sinclair Frontage Road provides some general benefit to pass-through traffic. Before the determination and allocation of the percentage of special and general benefit for the District can be made, the estimated pass-through traffic must be computed. The pass-through trips are vehicles driving along the maintained streets within the District for a portion of their trips, but not living or conducting business in the District and benefiting from the landscaping improvements in place.

The Sundrop and Sinclair Renaissance residential communities are located directly across the street and next to the District, and vehicles entering and/or exiting these communities in all likelihood are passing by a portion of the landscaping improvements for a portion of their trip. In lieu of having a study that identifies the pass-through traffic, the estimated number of trips generated for each community has been calculated based on the number of units and average number of trips per dwelling unit.

| Community | Number of Residential Units ⁽¹⁾ | Estimated Number of Daily Vehicle Trips ⁽²⁾ | % of Total Daily Vehicle Trips ⁽³⁾ |
|----------------------------------|--|--|---|
| District | 98 | 933.0 | 44.34% |
| Sundrop Subdivision | 83 | 790.2 | 37.56% |
| Sinclair Renaissance Subdivision | 80 | 380.8 | 18.10% |
| Total | 261 | 2,104.0 | 100.00% |

⁽¹⁾ Number of Residential Units is from the City's Approved Projects map.⁸

⁽²⁾ Per the ITE Trip Generation Report a single family residence generates an average of 9.52 trips per dwelling unit.⁹

⁽³⁾ Number of daily trips has been reduced by 50% to account for vehicles entering and exiting the community from the opposite direction on Sinclair Frontage Road, and not driving along the portion of Los Coches Street and Sinclair Frontage Road with landscaping improvements maintained by the District.

As detailed above, based on the average number of daily vehicle trips generated for the communities in close proximity to the District, 1,171 (55.66%) are generated by residential units located outside of the District (general benefit).

All Locations and Landscaping Improvements – Residential Pass-thru Benefit

The general benefit percentages determined in the previous sections for Los Coches Creek and Berryessa Creek (2.21%) and Los Coches Street and Sinclair Frontage Road (55.66%) were then applied to each corresponding location with landscaping improvements. The landscaping square footage being maintained by the District was provided by the City's Public Works Department. The general benefit percentage for each street type was multiplied by the total square footage being maintained for such street. The general benefit square footage was summed for all street segments and divided into the total square footage of all landscaping maintenance. The result is the combined general benefit percentage. The following table details this calculation.

| Street Name | Total Square Footage | General Benefit Percentage | General Benefit Square Footage |
|------------------------------------|----------------------|----------------------------|--------------------------------|
| Los Coches Creek | 4,572 | 2.21% | 101 |
| Berryessa Creek | 21,025 | 2.21% | 465 |
| Los Coches Street | 24,747 | 55.66% | 13,773 |
| Sinclair Frontage | 2,568 | 55.66% | 1,429 |
| Totals: | 52,912 | | 15,768 |
| Landscaping General Benefit | | | 29.80% |

Based on the above calculations, the general benefit portion of the improved aesthetics and increased safety resulting from the landscaping improvements is estimated to be 29.80%.

⁸ City of Milpitas. (2013). Approved Development Projects. Retrieved from http://www.ci.milpitas.ca.gov/government/planning/proj_approved.asp

⁹ Trip Generation, 9th Edition: An Informational Report of the Institute of Transportation Engineers. (2012). Washington, DC: Institute of Transportation Engineers.

Public at Large General Benefit

Given the location and nature of the improvements, it is very unlikely the public at large would seek out or use the landscaping improvements within the District. In addition, there are more direct routes to access the industrial complexes/businesses located to the south of the District than the 2 lane Los Coches Street and Sinclair Frontage Road. Nevertheless, it is perceivable that members of the public at large may pass-thru a portion of the landscaping improvements, even if it's lost or leisure traffic. As such, general benefit of 2.00% has been assigned for the landscaping improvements to the public at large

4.4.1 COLLECTIVE DISTRICT-WIDE GENERAL BENEFIT

Since the District is comprised of improved aesthetics and increased safety benefits resulting from the collective landscaping improvements, the activity of both pedestrians and vehicles, and the public at large must be addressed in a collective form rather than independently. The sum of the calculated general benefits is the total general benefit related to all pass-thru traffic. This general benefit result is provided in the table below:

| | |
|---------------------------------------|---------------|
| Residential Pass-thru General Benefit | 29.80% |
| Public at Large General Benefit | 2.00% |
| Total General Benefit | 31.80% |

The general benefit, which is the percentage of the total budget that must be funded through sources other than assessments, is 31.80%. The special benefit then, which is the percentage of the budget that may be funded by assessments, is 68.20%.

5. METHOD OF ASSESSMENT

5.1 Method of Assessment Spread

All parcels in the District on which residential dwellings will be constructed specially benefit from the improvements to an equivalent extent. These parcels are therefore assessed on a per lot basis for the maintenance and operation of the District, including incidentals and appurtenances, and will include all the costs of maintenance and/or operating the improvements. As outlined in Section 4, the total amount of general benefit from the improvements is determined to be 31.80%.

The maximum assessment rate for Fiscal Year 2020/21 is \$497.07, which is a preliminary number. The actual assessment rate levied on each taxable parcel for Fiscal Year 2020/21 is \$468.31.

Each year the maximum assessment rate shall be increased by the percentage change from April 1st of the prior year to April 1st of the current year by the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Indexes, Pacific Cities and U.S. City Average, San Francisco-Oakland-Hayward. The April 1, 2020 CPI was not available at the time of writing of this Report. For purposes of this report, the CPI increase was estimated by using the February 2020/21 CPI.

5.2 Maximum Assessment Rates

The following table provides the historical maximum assessment rates for Fiscal Year 2000/01 through the current fiscal year:

| Fiscal Year | CPI | Percentage Increase ⁽¹⁾ | Maximum Rate |
|-------------|---------|------------------------------------|--------------|
| 2000/01 | 178.7 | N/A | \$292.803 |
| 2001/02 | 189.1 | 5.82% | 309.844 |
| 2002/03 | 193.0 | 2.06% | 316.234 |
| 2003/04 | 197.3 | 2.23% | 323.280 |
| 2004/05 | 198.3 | 0.51% | 324.918 |
| 2005/06 | 202.5 | 2.12% | 331.800 |
| 2006/07 | 208.9 | 3.16% | 342.286 |
| 2007/08 | 215.842 | 3.32% | 353.661 |
| 2008/09 | 222.074 | 2.89% | 363.872 |
| 2009/10 | 223.854 | 0.80% | 366.789 |
| 2010/11 | 227.697 | 1.72% | 373.086 |
| 2011/12 | 234.121 | 2.82% | 383.611 |
| 2012/13 | 238.985 | 2.08% | 391.581 |
| 2013/14 | 244.675 | 2.38% | 400.904 |
| 2014/15 | 251.495 | 2.79% | 412.079 |
| 2015/16 | 257.622 | 2.44% | 422.118 |
| 2016/17 | 264.565 | 2.70% | 433.494 |
| 2017/18 | 274.589 | 3.79% | 449.919 |
| 2018/19 | 283.422 | 3.22% | 464.392 |
| 2019/20 | 294.801 | 4.01% | 483.037 |
| 2020/21 | 299.690 | 2.91% ⁽²⁾ | 497.074 |

⁽¹⁾ Percentage increase from April 1 of the prior year to April 1 of the current year in the US Department of Labor, Bureau of Labor Statistics, Consumer Price Index, Pacific Cities and US City Average, San Francisco-Oakland-Hayward.

⁽²⁾ The April 1, 2020 CPI was not available at the time of writing of this Report. The Fiscal Year 2020/21 CPI increase was estimated using the February 2020/21 CPI.

5.3 Appeals

Any property owner who feels that the amount of their assessment is in error as a result of incorrect information being used to apply the foregoing method of spread, may file an appeal with the Finance Director of the City. Any such appeal is limited to correction of an assessment during the current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Finance Director shall promptly review the information provided by the property owner and if he/she finds that the assessment should be modified, he/she shall have the authority to make the appropriate changes in the assessment roll. If any such changes are provided after the assessment roll has been filed with the County for collection, the Finance Director is authorized to refund to the property owner the amount of any approved reduction.

6. ASSESSMENT DIAGRAM

The following page provides a copy of the assessment diagram of the District.

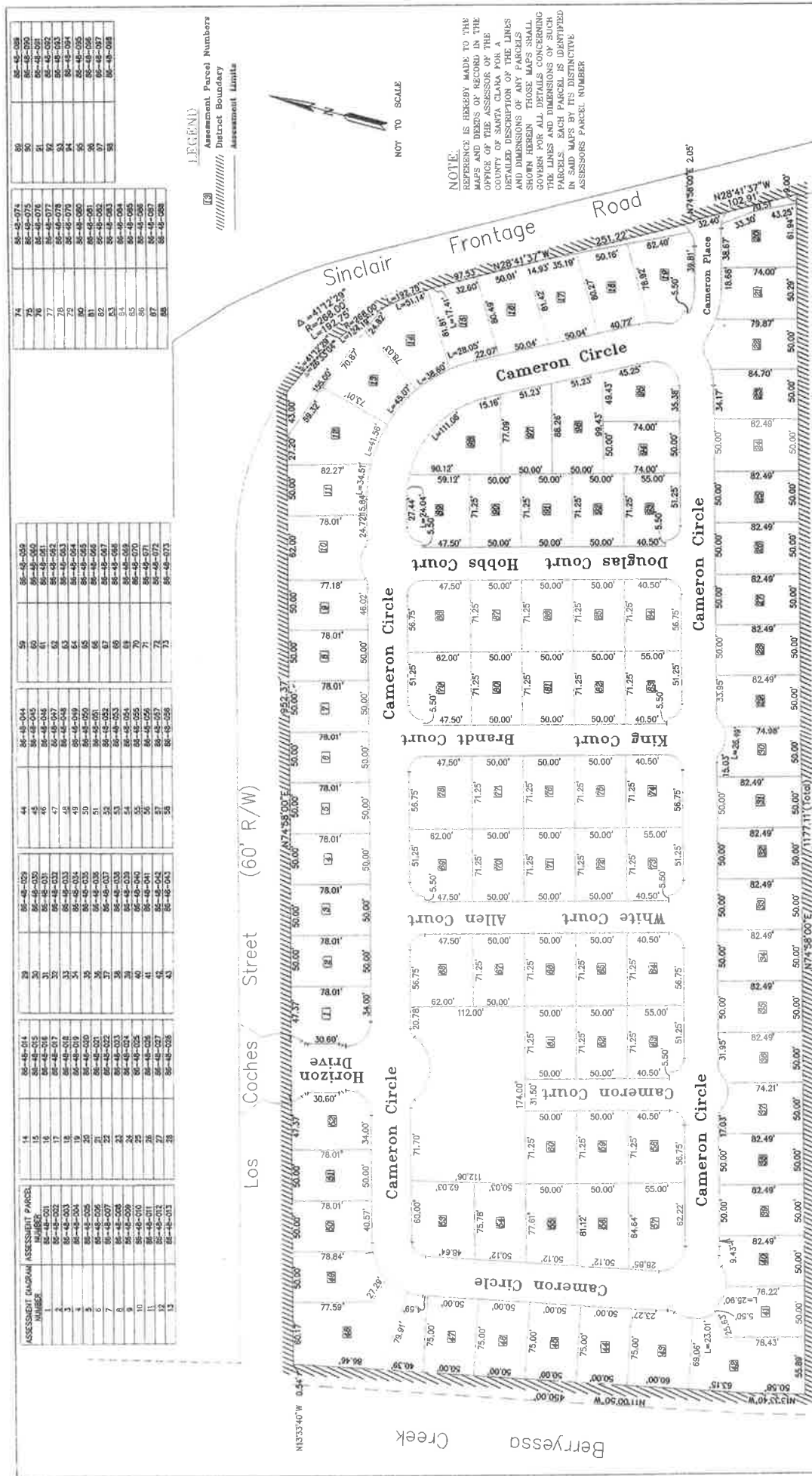


Figure 1

PART 5

ASSESSMENT DIAGRAM

LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT

NO. 98-1

MILLPITAS

CALIFORNIA

June 2011



Filed in the Office of the City Clerk of the City of Milpitas
County of Santa Clara, State of California this 20th day
of May 2014.

an assessment was levied by the City Council of the City of Alameda, County of Santa Clara, State of California on the lots, pieces and parcels of land shown on this assessment diagram. Said assessment was levied on the 3rd day of June 2014, said assessment diagram and the assessment roll were recorded in the Office of the Superintendent

Recorded in the Office of the Superintendent of Streets of the City of Milpitas, County of Santa Clara, State of California, this 3rd day of June 2014.

Superintendent of Streets
City of Niles

City Clerk of the City of Midland

7. ASSESSMENT ROLL

The assessment roll is a listing of the proposed assessment for Fiscal Year 2020/21 apportioned to each lot or parcel, as shown on the last equalized roll of the Assessor of the County of Santa Clara. The following pages show the assessment roll for Fiscal Year 2020/21.

City of Milpitas
LLMAD No. 98-1
Final Billing Detail Report for Fiscal Year 2019/20

| Account ID | Property ID | DB | Levy | Other | Total |
|------------|-------------|----|----------|----------|----------|
| 086-48-001 | 086-48-001 | | \$449.63 | (\$0.01) | \$449.62 |
| 086-48-002 | 086-48-002 | | 449.63 | (0.01) | 449.62 |
| 086-48-003 | 086-48-003 | | 449.63 | (0.01) | 449.62 |
| 086-48-004 | 086-48-004 | | 449.63 | (0.01) | 449.62 |
| 086-48-005 | 086-48-005 | | 449.63 | (0.01) | 449.62 |
| 086-48-006 | 086-48-006 | | 449.63 | (0.01) | 449.62 |
| 086-48-007 | 086-48-007 | | 449.63 | (0.01) | 449.62 |
| 086-48-008 | 086-48-008 | | 449.63 | (0.01) | 449.62 |
| 086-48-009 | 086-48-009 | | 449.63 | (0.01) | 449.62 |
| 086-48-010 | 086-48-010 | | 449.63 | (0.01) | 449.62 |
| 086-48-011 | 086-48-011 | | 449.63 | (0.01) | 449.62 |
| 086-48-012 | 086-48-012 | | 449.63 | (0.01) | 449.62 |
| 086-48-013 | 086-48-013 | | 449.63 | (0.01) | 449.62 |
| 086-48-014 | 086-48-014 | | 449.63 | (0.01) | 449.62 |
| 086-48-015 | 086-48-015 | | 449.63 | (0.01) | 449.62 |
| 086-48-016 | 086-48-016 | | 449.63 | (0.01) | 449.62 |
| 086-48-017 | 086-48-017 | | 449.63 | (0.01) | 449.62 |
| 086-48-018 | 086-48-018 | | 449.63 | (0.01) | 449.62 |
| 086-48-019 | 086-48-019 | | 449.63 | (0.01) | 449.62 |
| 086-48-020 | 086-48-020 | | 449.63 | (0.01) | 449.62 |
| 086-48-021 | 086-48-021 | | 449.63 | (0.01) | 449.62 |
| 086-48-022 | 086-48-022 | | 449.63 | (0.01) | 449.62 |
| 086-48-023 | 086-48-023 | | 449.63 | (0.01) | 449.62 |
| 086-48-024 | 086-48-024 | | 449.63 | (0.01) | 449.62 |
| 086-48-025 | 086-48-025 | | 449.63 | (0.01) | 449.62 |
| 086-48-026 | 086-48-026 | | 449.63 | (0.01) | 449.62 |
| 086-48-027 | 086-48-027 | | 449.63 | (0.01) | 449.62 |
| 086-48-028 | 086-48-028 | | 449.63 | (0.01) | 449.62 |
| 086-48-029 | 086-48-029 | | 449.63 | (0.01) | 449.62 |
| 086-48-030 | 086-48-030 | | 449.63 | (0.01) | 449.62 |
| 086-48-031 | 086-48-031 | | 449.63 | (0.01) | 449.62 |
| 086-48-032 | 086-48-032 | | 449.63 | (0.01) | 449.62 |
| 086-48-033 | 086-48-033 | | 449.63 | (0.01) | 449.62 |
| 086-48-034 | 086-48-034 | | 449.63 | (0.01) | 449.62 |
| 086-48-035 | 086-48-035 | | 449.63 | (0.01) | 449.62 |
| 086-48-036 | 086-48-036 | | 449.63 | (0.01) | 449.62 |
| 086-48-037 | 086-48-037 | | 449.63 | (0.01) | 449.62 |
| 086-48-038 | 086-48-038 | | 449.63 | (0.01) | 449.62 |
| 086-48-039 | 086-48-039 | | 449.63 | (0.01) | 449.62 |
| 086-48-040 | 086-48-040 | | 449.63 | (0.01) | 449.62 |

City of Milpitas
LLMAD No. 98-1
Final Billing Detail Report for Fiscal Year 2019/20

| Account ID | Property ID | DB | Levy | Other | Total |
|------------|-------------|----|--------|--------|--------|
| 086-48-041 | 086-48-041 | | 449.63 | (0.01) | 449.62 |
| 086-48-042 | 086-48-042 | | 449.63 | (0.01) | 449.62 |
| 086-48-043 | 086-48-043 | | 449.63 | (0.01) | 449.62 |
| 086-48-044 | 086-48-044 | | 449.63 | (0.01) | 449.62 |
| 086-48-045 | 086-48-045 | | 449.63 | (0.01) | 449.62 |
| 086-48-046 | 086-48-046 | | 449.63 | (0.01) | 449.62 |
| 086-48-047 | 086-48-047 | | 449.63 | (0.01) | 449.62 |
| 086-48-048 | 086-48-048 | | 449.63 | (0.01) | 449.62 |
| 086-48-049 | 086-48-049 | | 449.63 | (0.01) | 449.62 |
| 086-48-050 | 086-48-050 | | 449.63 | (0.01) | 449.62 |
| 086-48-051 | 086-48-051 | | 449.63 | (0.01) | 449.62 |
| 086-48-052 | 086-48-052 | | 449.63 | (0.01) | 449.62 |
| 086-48-053 | 086-48-053 | | 449.63 | (0.01) | 449.62 |
| 086-48-054 | 086-48-054 | | 449.63 | (0.01) | 449.62 |
| 086-48-055 | 086-48-055 | | 449.63 | (0.01) | 449.62 |
| 086-48-056 | 086-48-056 | | 449.63 | (0.01) | 449.62 |
| 086-48-057 | 086-48-057 | | 449.63 | (0.01) | 449.62 |
| 086-48-058 | 086-48-058 | | 449.63 | (0.01) | 449.62 |
| 086-48-059 | 086-48-059 | | 449.63 | (0.01) | 449.62 |
| 086-48-060 | 086-48-060 | | 449.63 | (0.01) | 449.62 |
| 086-48-061 | 086-48-061 | | 449.63 | (0.01) | 449.62 |
| 086-48-062 | 086-48-062 | | 449.63 | (0.01) | 449.62 |
| 086-48-063 | 086-48-063 | | 449.63 | (0.01) | 449.62 |
| 086-48-064 | 086-48-064 | | 449.63 | (0.01) | 449.62 |
| 086-48-065 | 086-48-065 | | 449.63 | (0.01) | 449.62 |
| 086-48-066 | 086-48-066 | | 449.63 | (0.01) | 449.62 |
| 086-48-067 | 086-48-067 | | 449.63 | (0.01) | 449.62 |
| 086-48-068 | 086-48-068 | | 449.63 | (0.01) | 449.62 |
| 086-48-069 | 086-48-069 | | 449.63 | (0.01) | 449.62 |
| 086-48-070 | 086-48-070 | | 449.63 | (0.01) | 449.62 |
| 086-48-071 | 086-48-071 | | 449.63 | (0.01) | 449.62 |
| 086-48-072 | 086-48-072 | | 449.63 | (0.01) | 449.62 |
| 086-48-073 | 086-48-073 | | 449.63 | (0.01) | 449.62 |
| 086-48-074 | 086-48-074 | | 449.63 | (0.01) | 449.62 |
| 086-48-075 | 086-48-075 | | 449.63 | (0.01) | 449.62 |
| 086-48-076 | 086-48-076 | | 449.63 | (0.01) | 449.62 |
| 086-48-077 | 086-48-077 | | 449.63 | (0.01) | 449.62 |
| 086-48-078 | 086-48-078 | | 449.63 | (0.01) | 449.62 |
| 086-48-079 | 086-48-079 | | 449.63 | (0.01) | 449.62 |
| 086-48-080 | 086-48-080 | | 449.63 | (0.01) | 449.62 |

City of Milpitas
LLMAD No. 98-1
Final Billing Detail Report for Fiscal Year 2019/20

| Account ID | Property ID | DB | Levy | Other | Total |
|--------------------|-------------|----|--------------------|-----------------|--------------------|
| 086-48-081 | 086-48-081 | | 449.63 | (0.01) | 449.62 |
| 086-48-082 | 086-48-082 | | 449.63 | (0.01) | 449.62 |
| 086-48-083 | 086-48-083 | | 449.63 | (0.01) | 449.62 |
| 086-48-084 | 086-48-084 | | 449.63 | (0.01) | 449.62 |
| 086-48-085 | 086-48-085 | | 449.63 | (0.01) | 449.62 |
| 086-48-086 | 086-48-086 | | 449.63 | (0.01) | 449.62 |
| 086-48-087 | 086-48-087 | | 449.63 | (0.01) | 449.62 |
| 086-48-088 | 086-48-088 | | 449.63 | (0.01) | 449.62 |
| 086-48-089 | 086-48-089 | | 449.63 | (0.01) | 449.62 |
| 086-48-090 | 086-48-090 | | 449.63 | (0.01) | 449.62 |
| 086-48-091 | 086-48-091 | | 449.63 | (0.01) | 449.62 |
| 086-48-092 | 086-48-092 | | 449.63 | (0.01) | 449.62 |
| 086-48-093 | 086-48-093 | | 449.63 | (0.01) | 449.62 |
| 086-48-094 | 086-48-094 | | 449.63 | (0.01) | 449.62 |
| 086-48-095 | 086-48-095 | | 449.63 | (0.01) | 449.62 |
| 086-48-096 | 086-48-096 | | 449.63 | (0.01) | 449.62 |
| 086-48-097 | 086-48-097 | | 449.63 | (0.01) | 449.62 |
| 086-48-098 | 086-48-098 | | 449.63 | (0.01) | 449.62 |
| 98 Accounts | | | \$44,063.74 | (\$0.98) | \$44,062.76 |

CITY OF MILPITAS
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT (LLMD) 98-1
(N.T.S.)



2020-2021 FISCAL YEAR LANDSCAPE AREA FUNDED FOR MAINTENANCE



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|-------------------------|---|
| Item Title: | Conduct a Public Hearing and Introduce Uncodified Ordinance No. 305 Establishing Fees for Ambulance and Emergency Medical Services |
| Category: | Public Safety |
| Meeting Date: | 5/19/2019 |
| Staff Contact: | Geoffrey Maloon, 408-586-2818 |
| Recommendations: | 1) Conduct a public hearing and move to close the hearing following comments. 2) City Attorney shall read aloud title of Ordinance No. 305. 3) Move to waive the first reading beyond the title and introduce Ordinance No. 305 to establish ambulance and emergency medical services fees. |

Background:

In May 2018, the Milpitas City Council approved the purchase of a transport capable rescue ambulance to be staffed by Fire Department personnel in order to better serve the community. The ambulance is nearly ready to be placed in service as a primary medical response unit. Medical billing is a key component of providing transport emergency medical services. The City of Milpitas has never billed for the provision of emergency medical services and, as such, has no fee structure codified by ordinance that will allow for the medical billing.

Analysis:

Billing for ambulance transport is a common practice. All municipalities in Santa Clara County that provide medical transport services bill for those services. City staff has established a contract with a medical billing firm and the ambulance is nearly ready to be placed into service.

The Emergency Medical Services Agency of the County of Santa Clara is responsible under state law for regulating advanced life support (ALS) providers within Santa Clara County and for authorizing the provision of ALS response and transport within the County. The City of Milpitas Fire Department provides ALS 911 emergency medical and ambulance services pursuant to a 911 Emergency Medical Services Provider Agreement between the City of Milpitas and the County of Santa Clara Emergency Medical Services Agency. The County has established required rates of ambulance and emergency medical services fees and billing requirements for all ambulance service providers throughout the County.

Proposed Ordinance No. 305 would both establish authority for the Fire Department to charge the ambulance services related fees and approve the fee amounts. The ordinance would also direct staff to include the proposed fees (see attached exhibit) in the FY 2020-21 Master Fee Schedule. The City has obtained a cost analysis to demonstrate that the proposed ambulance and emergency medical services fees required by the County will not to exceed the City's estimated costs to provide ambulance and emergency medical services. The proposed transport fee is \$1,710.12. Additionally, the City will charge for the use medical equipment and supplies as shown in the attachment.

Policy Alternative:

Alternative: Do not adopt the medical billing ordinance

Pros: None

Cons: Reduced City revenue estimated at \$150,000 for FY 2020-21 due to the inability to bill for services provided, causing further general fund budget deficits than originally anticipated in the FY 2020-21 Proposed Budget.

Reason not recommended: The inability to bill for medical services will not allow medical billing transport fees to offset the costs of providing ambulance and emergency medical services.

Fiscal Impact:

The fiscal impact is the ability to bill for medical transport and the resulting revenues will allow the Fire Department to recover the estimated costs of providing ambulance and emergency medical services from users of those services. The FY 2020-21 Proposed Budget assumes \$150,000 of revenue related to medical transports.

California Environmental Quality Act:

Not applicable

Recommendations:

- 1) Conduct a public hearing and move to close the hearing, following any comments.
- 2) City Attorney shall read aloud title of Ordinance No. 305.
- 3) Move to waive the first reading beyond the title and introduce Ordinance No. 305 to establish ambulance and emergency medical services fees.

Attachments:

Ordinance No. 305 for introduction
Exhibit A to Ordinance No. 305-Fee Schedule
Cost Analysis

REGULAR

NUMBER: 305

**TITLE: AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS
ESTABLISHING FEES FOR AMBULANCE AND EMERGENCY MEDICAL SERVICES**

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____
upon motion by _____ and was adopted (second reading) by the City Council at its meeting
of _____, upon motion by _____. The Ordinance was duly passed and ordered
published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, cities and counties may contract with one another for the provision of municipal services, including ambulance services (Cal. Government Code, § 54980 et seq.); and

WHEREAS, the County of Santa Clara Emergency Medical Services Agency is responsible for system coordination, medical oversight, and support of the delivery of all emergency medical services of provider agencies within Santa Clara County (Cal. Health and Safety Code, §§ 1797.204 and 1798 et seq.); and

WHEREAS, the City of Milpitas Fire Department provides 911 emergency medical and ambulance services pursuant to a 911 Emergency Medical Services Provider Agreement between the City of Milpitas and the County of Santa Clara Emergency Medical Services Agency; and

WHEREAS, the County of Santa Clara has established the rates of ambulance and emergency medical services fees and billing requirements as set forth in **Exhibit “A”** incorporated herein by this reference, and are calculated so as not to exceed the estimated cost to provide ambulance services; and

WHEREAS, the City is authorized to charge a fee to cover the cost of any service which the City provides (Cal Const art XI, §§ 7 and 9) and to adopt an ordinance establishing such fees at a meeting conducted by the City Council following notice of the City Council’s intention to establish such fees (Cal. Government Code, § 66018); and

WHEREAS, the City has provided notice of the fees set forth herein and has made available to the public, at least ten (10) days in advance hereof, the data indicating the estimated cost required to provide the services.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. FEES FOR AMBULANCE AND EMERGENCY MEDICAL SERVICES ADOPTED

The fees for ambulance and emergency medical services set forth in Exhibit “A” are hereby adopted. The City Council may, from time to time, amend the fees, increase or decrease the fees, add new fees for ambulance and emergency services, or delete fees, by a resolution of the City Council. The fees shall not exceed the costs reasonably borne by the City in providing ambulance-related and emergency medical services.

SECTION 3. RESPONSIBLE PARTY

Any and all charges will be billed to the responsible party and/or party receiving assistance as applicable. In the event that the responsible party is a minor, that minor’s parent or legal guardian will be billed. When charges are not collected through the City’s normal billing procedure, collection may occur by any means permitted by law.

SECTION 4. CITY MASTER FEE SCHEDULE

The City Council hereby directs City staff to incorporate the fees and charges approved in Section 1 of this Ordinance to the FY 2020-21 Master Fee Schedule, as approved by Resolution No. 8969. All other provisions of the FY 2020-21 Master Fee Schedule shall remain in full force and effect.

SECTION 5. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 6. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.



Fee Schedule

City of Milpitas

AMBULANCE

| Activity Description | | Fee | Charge Basis | Y'rly In'fltr | Note |
|----------------------|---|------------|--------------|---------------|------|
| SERVICE FEES | | | | | |
| 1 | ALS-1 (Advanced Life Support) | \$1,710.12 | | N | |
| 2 | ALS-2 (Advanced Life Support) | \$1,710.12 | | N | |
| 3 | Mileage | \$55.42 | | N | |
| 4 | Hourly Ambulance Standby | \$216.41 | | N | |
| 5 | Hourly Paramedic – Individual | \$108.21 | | N | |
| 6 | Hourly EMT – Individual | \$72.14 | | N | |
| EQUIPMENT/SUPPLIES | | | | | |
| 7 | Airway/Nasal | \$33.25 | | N | |
| 8 | Airway/Oral | \$18.14 | | N | |
| 9 | Bag Valve Mask | \$110.34 | | N | |
| 10 | Bandage, Elastic | \$8.91 | | N | |
| 11 | Bandages Triangular | \$15.11 | | N | |
| 12 | Bed Pan | \$15.11 | | N | |
| 13 | Blanket, Disposable | \$36.28 | | N | |
| 14 | Blood Glucose Test | \$30.23 | | N | |
| 15 | Burn Sheet | \$55.92 | | N | |
| 16 | Cervical Collar | \$108.83 | | N | |
| 17 | Cold/Hot Pack | \$22.67 | | N | |
| 18 | Cpap Procedure | \$468.56 | | N | |
| 19 | Defib Pads | \$66.50 | | N | |
| 20 | Dressing - Major | \$15.11 | | N | |
| 21 | Dressing - Minor | \$15.11 | | N | |
| 22 | Ekg Electrodes | \$28.72 | | N | |
| 23 | Ekg Monitor 12 Lead | \$143.59 | | N | |
| 24 | Emesis Basin/Bag | \$11.78 | | N | |
| 25 | Endotracheal Tube Introducer/Gum Elastic Bougie | \$100.97 | | N | |
| 26 | Headbed Immobilizer | \$25.69 | | N | |
| 27 | Hepa Mask | \$37.79 | | N | |
| 28 | Hood, Spit Sock | \$24.89 | | N | |
| 29 | Intravenous Saline Lock | \$79.58 | | N | |
| 30 | Intravenous Infusion Set | \$134.52 | | N | |
| 31 | Intravenous Start Kit | \$60.41 | | N | |
| 32 | Intubation Supplies | \$68.02 | | N | |
| 33 | IO Supplies | \$450.42 | | N | |
| 34 | King Vision Video Larynoscope Channel Blade | \$25.00 | | N | |
| 35 | Lma Supreme - Supraglottic Airway | \$30.00 | | N | |
| 36 | Meconium Aspirator | \$13.44 | | N | |
| 37 | Nebulizer | \$71.04 | | N | |
| 38 | Non-Rebreather Mask | \$16.63 | | N | |
| 39 | O2 Cannula With End-Tidal | \$51.35 | | N | |
| 40 | O2 Mask/Cannula | \$34.76 | | N | |
| 41 | OB Pack | \$120.92 | | N | |
| 42 | Patient Mover | \$48.51 | | N | |
| 43 | Plueral Decompression | \$102.85 | | N | |
| 44 | Pulse Oximetry | \$63.48 | | N | |
| 45 | Razor, Disposable | \$1.26 | | N | |
| 46 | Splint Arm | \$22.67 | | N | |
| 47 | Splint Leg | \$22.67 | | N | |

City of Milpitas

AMBULANCE

| Activity Description | | Fee | Charge Basis | Y'rly In'fltr | Note |
|----------------------|------------------------------------|----------|--------------|---------------|------|
| 48 | Splinting (Extremity) | \$108.83 | | N | |
| 49 | Strap, 5 Foot Immobilization | \$16.73 | | N | |
| 50 | Suction Tube | \$46.86 | | N | |
| 51 | Suctioning | \$95.22 | | N | |
| 52 | Temperature Measurement | \$25.52 | | N | |
| 53 | Tourniquet, Combat | \$90.88 | | N | |
| 54 | Universal Precautions | \$42.32 | | N | |
| 55 | Urinal | \$15.11 | | N | |
| MEDICATIONS | | | | | |
| 56 | Acetaminophen (Ofirmev) | \$183.00 | | N | |
| 57 | Activated Charcoal | \$30.71 | | N | |
| 58 | Adenosine | \$87.67 | | N | |
| 59 | Albuterol | \$36.28 | | N | |
| 60 | Amiodarone | \$58.31 | | N | |
| 61 | Asprin | \$9.07 | | N | |
| 62 | Atrophine | \$25.69 | | N | |
| 63 | Atrophine High Dose | \$121.21 | | N | |
| 64 | Benadryl | \$25.69 | | N | |
| 65 | Calcium Chloride | \$25.69 | | N | |
| 66 | Dextrose 10% 25G In 250ML Bag | \$36.63 | | N | |
| 67 | Dopamine Drip | \$81.62 | | N | |
| 68 | Duodote Autoinjector | \$75.95 | | N | |
| 69 | Epi 1:1,000 1Mg/1Cc | \$42.32 | | N | |
| 70 | Epi 1:10,000 | \$42.32 | | N | |
| 71 | Glucagon | \$430.77 | | N | |
| 72 | Glucose Paste | \$13.16 | | N | |
| 73 | Lidocaine 2% | \$33.25 | | N | |
| 74 | Midazole | \$2.40 | | N | |
| 75 | Morphine | \$25.69 | | N | |
| 76 | Narcan | \$48.37 | | N | |
| 77 | Nitroglycerin Tablet | \$1.29 | | N | |
| 78 | Nitropaste | \$11.77 | | N | |
| 79 | Normal Saline Flush Pls 10Cc | \$22.60 | | N | |
| 80 | Normal Saline 1000Cc | \$146.61 | | N | |
| 81 | Ondansetron Injectable | \$52.60 | | N | |
| 82 | Ondansetron Oral Dissolving Tablet | \$43.44 | | N | |
| 83 | Sodium Bicarb | \$45.34 | | N | |
| 84 | Sterile Water | \$36.28 | | N | |

* All fees shown are intended to mirror Santa Clara County fee schedule.



Cost of Service Analysis

Emergency Medical Services - Ambulance Transport Costs

Amortized Periodic Expenditures

| Description | Total | Amortization / Update Frequency | Annual Cost | Notes |
|---------------------|-----------|---------------------------------------|-------------|-------|
| Ambulance and Upfit | \$650,000 | 5 | \$130,000 | [a] |

Annual Staffing Hours Required

| Description | Total | Notes |
|-------------------------------|--------|-------|
| Hours Per Day | 24 | [b] |
| Total Personnel | 2 | |
| Total Staffing Hours Per Day | 48 | |
| Days Per Year | 365 | |
| Total Staffing Hours Per Year | 17,520 | |

Total Full-Time Equivalent Employees (FTE) Required to Meet Staffing Requirements

| Description | Total | Notes |
|---|--------|-------|
| Total Staffing Hours Per Year Required | 17,520 | [c] |
| Total Annual Hours Per Firefighter/Paramedic | 2,912 | |
| Total FTE Required to Meet Ambulance Staffing | 6.0 | |

Estimated Labor and Services and Supplies Costs

| Description | Total | Notes |
|--|-------------|-------|
| Estimated Fully-Burdened Hourly Cost Per Firefighter/Paramedic | \$134 | [d] |
| Estimated Fully-Burdened Cost Per FTE | \$390,907 | |
| Total FTE Required to Meet Ambulance Staffing | 6 | |
| Total Annual Estimated Labor & Svcs and Supplies Costs | \$2,345,441 | |

Total Estimated Costs Per Year

| Description | Total | Notes |
|--------------------------|-------------|-------|
| Amortized Periodic Costs | \$130,000 | |
| Ongoing Annual Costs | \$2,345,441 | |
| Total Annual Costs | \$2,475,441 | |

Cost Per Transport

| Description | Total | Annual Costs | Base Cost Per Transport | Notes |
|---|-------|--------------|----------------------------|-------|
| Scenario 1 - Low Number of Annual Transports | 50 | \$2,475,441 | \$49,509 | [e] |
| Scenario 2 - Medium Number of Annual Transports | 350 | \$2,475,441 | \$7,073 | [e] |
| Scenario 3 - High Number of Annual Transports | 1,000 | \$2,475,441 | \$2,475 | [e] |

Cost Recovery Assuming Medium Number Scenario of Annual Transports

| Description | Total | Notes |
|------------------------------------|---|-------|
| Proposed Fee | \$1,710 <<< plus applicable service fees and equipment and supplies | [f] |
| Cost Per Transport | \$7,073 | |
| Cost Recovery | 24% | |
| General Fund Subsidy Per Transport | \$5,363 <<< less fees collected for applicable svcs., equip. and supplies | |

Cost Recovery Assuming Medium Number Scenario of Annual Transports and Estimated Total Cost Bundle

| Description | Total | Notes |
|------------------------------------|--|-------|
| Proposed Fee | \$2,500 <<< estimated fee bundle including ALS, svcs., equip. and supplies | |
| Cost Per Transport | \$7,073 | |
| Cost Recovery | 35% | |
| General Fund Subsidy Per Transport | \$4,573 | |

Notes:

- [a] Estimate provided by Fire Department personnel. Assumes five year useful life.
[b] Assumes ambulance staffed by two personnel (firefighter-paramedics).
[c] Assumes 56 hour work week.
[d] Includes estimates for salaries, benefits, services and supplies, department overhead and agencywide overhead (see citywide overhead cost allocation plan).
[e] City will track number of transports and periodically compare actual transports against cost of service to ensure fees do not exceed costs of service.
[f] \$1,710 represents base advanced life support service fee. Other fees applied, as applicable, see estimated fee bundle for alternative scenario.



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|-------------------------|--|
| Item Title: | Receive Report on the Community Identification and Brand Study (Phase I) and Provide Direction on Scope and Implementation of the Study (Phase II) |
| Category: | Community Development |
| Meeting Date: | 5/19/2020 |
| Staff Contact: | Ashwini Kantak, Assistant City Manager, 408-586-3053 |
| Recommendations: | <ol style="list-style-type: none">1. Receive report on the Community Identification and Brand Study (Phase I).2. Provide direction to staff on scope and implementation of the Community Identification and Brand Study (Phase II). |

Background:

Milpitas has been experiencing tremendous growth and, according to the US Census, was recently ranked the second fastest growing city in the state and the eighth fastest growing city in the nation. With this fast pace of growth come significant changes in demographics as the City welcomes new members to the community while nurturing those who have resided here for decades. With a diverse resident population of more than 80,000 and a total service population of approximately 127,000, Milpitas prides itself on accomplishing the community's vision of preserving a close-knit community and rich cultural diversity as it moves with innovation into the future.

Milpitas has been recognized as one of the top 10 Best Cities for Science, Technology, Engineering and Mathematics (STEM) Workers, with roughly 28% of jobs in the city falling into the STEM category. Additionally, Milpitas was ranked for the third highest job growth among 515 qualifying cities by Wallet Hub.

Milpitas has always been well connected to the San Francisco Bay Area with its ideal location between two major freeways (I-880 and I-680), State Route 237, and a County expressway and including a bus and light rail network. With the imminent opening of the BART extension and Milpitas Transit Center in 2020, the City is poised to attract more jobs and accommodate over 7,000 new housing units.

This transformational time in the City's history will be reflected in several visioning and strategic efforts underway such as a new Economic Development Strategy, a Recreation and Parks Master Plan, a Trail, Bike, and Pedestrian Master Plan, and major updates to the City's General Plan, Transit Area Specific Plan, and Mid-Town Specific Plan. With these long-term planning efforts and place-making initiatives underway, it is timely to modernize and strengthen the City's brand.

Analysis:

In 2019, the City engaged the firm Articulate Solutions to conduct a Community Identification and Brand Study. The purpose of this Study was to understand the unique attributes and impressions of the City as seen through the lens of various groups during this time of transformation and to develop a strong and modernized brand to attract economic development, guide placemaking in the City, and complement several other long-term planning initiatives and their implementation.

The scope of this Study was developed to be accomplished in multiple Phases - Phase I included a needs assessment, historical research, current identity marks, brand assets, community engagement, and findings about the City's unique attributes. Phase II, if directed to proceed, will develop brand collateral for wayfinding, placemaking, and economic development, based on the input received during Phase I. Phase II will also

include work related to the City's website to make the content more accessible and user friendly and to align with the new brand.

Phase I

The consultant began work on the Study in 2019 and participated in a tour of Milpitas and researched the history of Milpitas. The consultant also engaged various stakeholders and target audiences through focus group discussions, online surveys, and community meetings. Stakeholders were broadly categorized in the following groups:

1. Internal: Planning Commission, City Council, Commissions, other departments within City, City employees
2. Residents
3. Businesses and non-profit groups currently based in Milpitas
4. Developers, real estate brokers, and contractors looking to build in Milpitas
5. Other Milpitas community partners (e.g. Chamber of Commerce, School District)
6. Other cities and regional partners (e.g. Fremont, San Jose)

There were a few key themes that rose to the top.

1. **Diversity** was a theme that came up repeatedly in conversations and was the top word used to reflect Milpitas. The City of Milpitas includes a diverse mix of races, cultures, ages, and backgrounds. While that in itself is not unusual in the Bay Area, it became clear that in Milpitas these different groups are not separated into "silos"; rather, they all live, work, and recreate together. This spirit of integration and inclusiveness has been part of this community since its earliest days.
2. Milpitas is also a very **Friendly** community; this was something the consultant noted that they experienced first-hand in all of their stakeholder interviews, meetings, and other interactions. The people of Milpitas were very friendly, down-to-earth, and welcoming. They acknowledged that the city has opportunities for improvement but are genuinely excited to share the good things that are experienced here.
3. Another key aspect of Milpitas is that it has always been a **Crossroads**. Main Street was once the main connecting road between Oakland and San Jose. The City is now located between two major freeways (I-680 and I-880) and between two major cities (San Jose and Fremont) in the heart of Silicon Valley. And, the Bay Area Rapid Transit (BART) extension to Milpitas will provide a vital new connection between the South Bay, San Francisco, and East Bay. Milpitas is a place where people literally and figuratively come together.

In addition to these three top themes, the consultant also heard from the stakeholders that this is an exciting time of opportunity for Milpitas and that the history of the origins of the City is strongly woven into its fabric. Other top archetypes for the City were compassionate, wholesome, and progressive.

Other unique attributes and key assets of the City that were identified included: restaurants, shopping at the Great Mall, undeveloped hillsides, parks and open spaces, golf courses, good schools, and fun activities for families.

Phase I was completed in February 2020, prior to the start of the COVID-19 pandemic and thus does not address any potential changes to the City's economy or growth outlook. The study findings are being presented to the City Council, in conjunction with the Economic Development Strategy as the two are closely linked and the Study supports several of the strategies recommended in the Economic Development Strategy. Due to the inherent connection between the two, a combined community workshop for the Economic Development Strategy and Community Identification and Brand Study was held on October 24, 2019.

Connection to Economic Development Strategy and other Long-Term Planning Initiatives

The stakeholder input for the proposed Economic Development Strategy indicates an area of challenge related to the lack of a strong Milpitas brand. The proposed Economic Development strategy also includes a specific strategy (Strategy 34) that describes the need for consistent modern branding based on the City's goals for business attraction and retention. Other strong linkages include promoting the City's diverse restaurants and retail businesses, placemaking, and attraction of high-tech companies through a demonstration partnership policy. Connecting all of these strategies would benefit immensely in creating a strong and recognizable brand.

Updates to the City's General Plan and Transit Area Specific Plan (TASP) are currently underway, and the Council has given direction to staff on a new strategic focus for updating the Midtown Specific Plan. These efforts include renaming the TASP to "Milpitas Metro Specific Plan" and the Midtown Specific Plan to the "Milpitas Gateway/Main Street Specific Plan." A citywide branding program will provide guidance and direction in developing a unified theme that ties these areas to the larger city while strengthening the unique qualities and characteristics of each neighborhood. Development regulations and design guidelines included in each plan will create a distinct sense of place through the physical design of buildings and public infrastructure as well as other placemaking elements such as landscaping, signage, and public gathering areas. The careful and deliberate design and placement of branding elements, both strong and subtle, will connect residents to their community and help generate a strong sense of community pride and identity.

Thus, leveraging our strengths as a friendly, diverse, safe city, which is well connected to the rest of the Bay Area, will help Milpitas build a strong brand that will not only complement our economic development efforts but also our General Plan build out, placemaking, and the City's overall vision for the future.

Next Steps

The focus of Phase II will be to formalize touchpoints and align the City of Milpitas brand to support the City's General Plan, drive economic development (business attraction and retention), and boost community affiliation/engagement. Specific projects are still to be determined, but several opportunity areas are outlined below. Based on City Council input and after the COVID-19 emergency has ended, staff will work with the consultant to finalize the Phase II scope of work.

1. Develop a unique identification (logo) mark that can be used in addition to the official City Seal to drive brand awareness/place identification; create a comprehensive communications template and style guide with guidelines and design templates for applying brand to all City communications tools, to drive consistency, awareness and influence;
2. Refresh the City website design to align with updated brand
3. Develop gateway and wayfinding signage to reinforce the new brand, drive a sense of place and affiliation; and
4. Identify other potential projects as needed in alignment with economic development.

Based on preliminary scope, Phase II is anticipated to take 6-12 months. Using this time, as economic activity is expected to be in early recovery, to develop a strong and modern brand will allow the City to be well positioned for the future as several projects underway come online, the Milpitas Transit Center has been operational for a few months, and the City is facilitating economic recovery in Milpitas.

Policy Alternative:

Alternative: Do not proceed with Phase II of the Community Identification and Brand Study after the COVID-19 emergency has ended.

Pros: In this time of fiscal uncertainty, the City could divert approximately \$60,000 for other purposes.

Cons: This would delay the development of a strong and modern brand to attract economic development and compliment local economic recovery, and support placemaking and several long-term planning initiatives.

Reason not recommended: Despite the current fiscal climate and uncertainty because of COVID-19, initiating Phase II of the Study is timely since it is linked to the success of many other important long-term efforts. The consultant costs for Phase II have already been budgeted and encumbered. Using the next several months, as

economic activity is expected to be in early recovery, to develop a strong and modern brand will allow the City to be well positioned for the future as the development projects are complete, BART is operational, and the City facilitates local economic recovery.

Fiscal Impact:

There are no additional consultant costs for Phase II since these have already been factored into the current contract. Phase II consultant costs are estimated to be approximately \$60,000 and actual costs will depend on approved scope.

California Environmental Quality Act:

This action does not qualify as a "Project" under the California Environmental Quality Act (CEQA) Guidelines Section 15378 as this action has no potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Recommendations:

1. Receive report on the Community Identification and Brand Study (Phase I).
2. Provide direction to staff on scope and implementation of the Community Identification and Brand Study (Phase II).

Attachment:

Community Identification and Brand Study (Phase I)



CITY OF MILPITAS

Community Identification and Brand Study

FEBRUARY 18, 2020



Articulate Solutions
A CREATIVE SERVICES AGENCY

Articulate Solutions, Inc.
P 408.842.2275 F 408.852.0384
65 Fifth Street STE 100 Gilroy CA 95020
articulate-solutions.com

City of Milpitas

Community Identification and Brand Study

February 18, 2020

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EXECUTIVE SUMMARY

A strong City brand, like a product or company brand, helps to increase awareness and positive perception—which can in turn stimulate investment and growth. A successful municipal brand can also build community pride and attract more people to live, work, and play. Branding provides a simple and direct way to establish a community’s unique identity and promote its vision, values and voice to the general public.

In 2019 and 2020, the City of Milpitas engaged the Articulate Solutions creative team to conduct an in-depth Community Identification and Brand Study to build a strong understanding of the history, key attributes, and core values of the City of Milpitas.

Articulate Solutions conducted a series of stakeholder interviews with small groups of city leaders representing different departments within the City of Milpitas, took a guided tour of Milpitas, and conducted additional research into books and articles about Milpitas, its history, and its recent growth. The Community Identification and Brand Study also includes input from online surveys of community residents and business owners and a community meeting. Articulate Solutions also conducted additional research into existing brand usage and other city brands to use as reference.

KEY TAKEAWAYS

Reflecting on all the research that has been done, the Articulate Solutions team came away with five key insights about the Milpitas community that will inform the creative work in the next phase.

1. **Diversity** was a theme that came up again and again in our conversations and was the top word selected to reflect Milpitas. The City of Milpitas includes a diverse mix of races, cultures, ages, and backgrounds. While that in itself is not unusual in the Bay Area, we learned that in Milpitas these different groups are not separated into “silos”; rather, they all live, work, and play together. This spirit of integration and inclusiveness has been part of this community since its earliest days.
2. Milpitas is also a very **Friendly** community (the #2 brand archetype vote-getter); this was something we experienced first-hand in all of our stakeholder interviews, meetings, and other interactions. The people of Milpitas are very friendly, down-to-earth, and welcoming. They acknowledge that the city has some opportunities for improvement but are genuinely excited to share the good things that are going on here.



3. Another key aspect of Milpitas is that it has always been a **crossroads**. Main Street was once the main connecting road between Oakland and San Jose. The City now sits between two major freeways (680 and 880) and between two major cities (San Jose and Fremont) in the heart of Silicon Valley. And the BART extension to Milpitas will provide a vital new connection between the South Bay, San Francisco, and East Bay. Milpitas is a place where people literally and figuratively come together.
4. Although not many people chose “Exciting” as a word to describe Milpitas, this IS a very **exciting time** for the City and the entire community. The strong tech economy and new BART extension and transit village are spurring new housing, job growth, and business development. With so much upcoming change, this is the perfect time for Milpitas to establish a unique brand identity that will help provide a sense of continuity moving forward.
5. We learned a lot about the **history** of Milpitas and understand the need to be respectful of certain historic symbols (like the Minuteman and corn fields) that are important to some longtime members of the community but may not resonate as well with people who have moved here more recently. While it will be difficult to please everyone, we should be sensitive to these cultural touchstones.

The complete Community Identification and Brand Study results are summarized in the pages that follow.



STAKEHOLDER MEETINGS

On February 28, 2019, Ned Thomas, Planning Director, served as an unofficial “tour guide” as he took Katherine Filice, Jason Raby, Julie Jackson, and Jenny Arellano from Articulate Solutions on a driving tour around Milpitas. This informal tour gave the Articulate Solutions team a good overview of the city’s geography, key landmarks, existing signage, and history.

Following the tour, the Articulate Solutions team was introduced to members of the City’s Communications Group at their regular monthly meeting. At that meeting, Katherine Filice explained the goals of a Community Identification and Brand Study and how the process would work.

Four different stakeholder interview sessions with small groups of City of Milpitas leaders were held on May 9, May 23, and May 24, 2019 at City Hall in Milpitas. Attendees were as follows:

- Alex Andrade: Economic Development Director
- Liz Brown: Interim Director of Human Resources
- Jane Corpus: Assistant Director of Finance
- Armando Corpuz: Police Chief
- Ned Thomas: Planning Director
- Steve Erickson: Engineering Director/City Engineer
- Sharon Goei, Director of Building and Housing
- Ashwini Kantak: Assistant City Manager
- Mary Lavelle: City Clerk
- Renee Lorentzen, Recreation Services Manager
- Mike Luu, Information Services Director
- Steven McHarris: Deputy City Manager (now City Manager)
- Tony Ndah, Deputy Public Works Director
- Brian Sherrard, Fire Chief
- Jennifer Yamaguma: Public Information Officer

These meetings were informal, friendly and conversational. Articulate Solutions posed a few general questions, but the goal was just to have an open discussion about the key attributes of the City and community of Milpitas. The topics that were discussed are summarized below.



TARGET AUDIENCES

Different departments within the City of Milpitas interact with different segments of the population and thus have very different target audiences. Some of them (like Recreation) may deal directly with residents and the general public, while others (like Engineering) work mostly with developers and contractors.

Across the different meetings, these target audiences could be grouped into the following general categories:

- Residents (with families being a special point of focus for current Mayor)
- Businesses and non-profit groups currently based in Milpitas
- Developers, real estate brokers, and contractors looking to build in Milpitas
- Internal: Planning Commission, City Council, Commissions, other departments within City, City employees
- Other Milpitas agencies (e.g. Chamber of Commerce, School District)
- Other cities and regional partners (e.g. Fremont, San Jose)

UNIQUE ATTRIBUTES

In each discussion, we asked participants to share their own ideas about what makes Milpitas special and unique. Although we received a wide variety of answers, the following were the most common responses:

- Ethnically and culturally diverse population
- Convenient central location (close to jobs throughout Silicon Valley)
- Lower costs than neighboring cities
- Connectivity (freeways, BART, light rail)
- Public safety
- Multigenerational connections (families living together)
- Fewer economic and ethnic boundaries (compared to other local communities)
- Compact size (not too big or too small)
- Outstanding levels of service from City



KEY SELLING POINTS

Related to the previous question, we also asked stakeholders to share some specific things that people like most about living and working in Milpitas. Responses included:

- Restaurants
- Shopping (especially Great Mall)
- Undeveloped hillsides
- Parks and open spaces
- Golf courses
- Good schools
- Fun activities for families (e.g. Big Al's)

HISTORY

Stakeholders also provided some insight into Milpitas' history and significant events that shaped the City's development, including:

- Two original adobe buildings have been maintained and preserved.
- Main Street used to be the main connecting road between Oakland and San Jose.
- "The Corner" (Serra/Main) used to be the main crossroads in the region.
- Ford Plant moved to Milpitas in 1954, spurring job growth and housing development.
- Milpitas "Minutemen" resisted being annexed into San Jose and maintained independence in 1961. The Minuteman is featured on the City Seal and the statue in front of City Hall but is a somewhat controversial symbol.
- Great Mall built in former Ford factory building (1994).
- Diverse groups of immigrants have called Milpitas home over the years.

LOOKING TO THE FUTURE

We asked participants to share their hopes and visions for both the short-term and long-term future for Milpitas. They shared a variety of responses, including:

- New Transit Hub (opened December 2019) and BART station (scheduled for 2020)
- Add even more transit-oriented housing (7,000 units to be available soon)
- Work more collaboratively as a regional partner (with San Jose, Fremont, and rest of Silicon Valley and Bay Area)
- Keep housing affordable
- Become a more tech-oriented city with increased automation



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- Make more data-driven decisions
- Maintain consistent levels of outstanding service
- Continue to welcome and celebrate diversity
- Eliminate odor issues
- Communicate more with community

BRAND ARCHETYPES

At the end of each session, we gave stakeholders a printed list of about 80 different words and asked them to mark the ones they felt best described the City of Milpitas.

The top two vote-getters by a fairly wide margin were “Diverse” and “Friendly.” The next three were “Compassionate,” “Wholesome,” and “Progressive.”

These archetypes will help guide the development of the City of Milpitas branding materials.



COMMUNITY SURVEYS

January 2019 Community Survey

The City of Milpitas and FM3 Research conducted a community-wide survey in January 2019. This survey focused on City government and services but also included some general insights about the community that are valuable to this Community Identification and Brand Study. Some of the key findings from this January survey are summarized below.

- In general, respondents were positive about living in Milpitas. 74% rated the Quality of Life in Milpitas as “Good” or “Excellent.” 83% say they are proud to live in Milpitas and that it is a great place to raise a family.
- Diversity is highly valued. 85% agree that different cultures are celebrated in Milpitas, and 83% say Milpitas’ diversity is an asset to the City.
- Words and phrases that over 80% of respondents think best describe Milpitas include the following:
 - You can be yourself (91%)
 - Safe (87%)
 - Accepting (83%)
 - Growing (83%)
 - Diverse (82%)
 - Good place to live, play and work (81%)
 - Great location (81%)
- When asked which forms of communication they were most likely to pay attention to, respondents prioritized:
 - Information from friend or neighbor (89%)
 - E-newsletter from City (85%)
 - Text from City (82%)
 - Community event (81%)
 - Website publicized to local residents (81%)
- The forms of communication that were *lowest* ranked were:
 - Ad in newspaper (51%)
 - Nextdoor post (53%)
 - Facebook post (58%)
 - Radio ad (61%)
- 83% of respondents conducted the survey in English; 7% in Spanish; 5% in Vietnamese; 5% in Chinese.



July 2019 Resident and Business Surveys

Articulate Solutions developed very brief online surveys that were posted through OpenTownHall in July 2019. Only 42 total responses were received, which may reflect “survey fatigue” after the larger-scale community survey had already been conducted in January.

Insights from the survey results include:

- What people love most about living in Milpitas (more than one response allowed):
 - Central location (56%)
 - Safe neighborhoods (56%)
 - Parks and open spaces (46%)
 - Cultural diversity (39%)
- Words that best describe the Milpitas community:
 - Diverse (59%)
 - Safe (49%)
 - Welcoming (37%)
 - Growing (34%)
- Milpitas’ cultural diversity and small-town feel were recurring themes in the open-ended responses to “What makes Milpitas a unique and special place to live, work and play?” Some of these responses included:
 - Milpitas still has a small town feel to it.
 - People, hardworking mindset, family friendly
 - Milpitas has strong ethics and tries to maintain its small-town vibes while being at the heart of Silicon Valley’s busy lifestyle
 - Small size, exciting mix of events, engaged police force, a bunch of activities for kids, great library and schools that are improving every year
 - Nice place to raise kids with very good schools. Safe and friendly neighborhoods.
 - Milpitas has created opportunities for me to work, own a home and raise a family.
The fact that Milpitas is a tight-knit community has afforded me the ability to network and connect with community members, public and government officials who know remember your name. If I were to go to any other city, I will not see the same type of respect and community feeling. When people connect in Milpitas, there is nothing but respect given like that of family.
 - The relationship between the community and our police / fire responders. Public Safety truly cares about us and makes genuine efforts to get to know us. They continue to offer other services that other cities do not. Also, Milpitas is diverse but the community is not segregated like many other diverse cities.



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- It's a great small city in the middle of everything. We have lots of good restaurants and great shops.
- Small town with all the amenities of big city. Safe environment, diverse population and welcoming citizens. Lots of employers.
- Milpitas has been a great place to raise a family in Silicon Valley. We appreciate the diversity and the welcoming feel of this place. We have nice parks and beautiful hills.
- I've lived in Milpitas for almost 72 years. I'm glad to see there are many types of employment. At my age, I'm glad I can still hike and go to the movies. The sports center also has something for everyone to improve their health and make new friends at the same time.
- Lots of free parks, close to Silicon Valley, good shopping and dining options
- Closeness to the nature and natural environment
- Milpitas's best feature is its location. We've great county and city parks and diverse and growing community.
- Booming area with great middle class. Lots of kids and families. Need to remove the landfill then it's perfect!
- I love my tiny town. Yes, I call Milpitas my tiny town. It feels like a small town with all the unique restaurants and civic buildings in the heart of the town. Within a 10 minute drive from the Bay Trails, or the sprawling farms just up Calaveras Blvd, it hardly feels like Silicon Valley. The various small parks within neighborhoods gives the city a sedated vibe. The part that I love most about my tiny town is the cultural diversity. In the summer time, when I come home from work and see neighborhood kids play kickball, with parents chatting with each other on the park benches, I smile; because it looks like the United Nations.



October 2019 Community Meeting

To gather more feedback directly from community members, Articulate Solutions set up a table at the Economic Development Strategy Community Workshop on October 24, 2019. Approximately 30 residents attended for the meeting, and some of those stopped by to fill out surveys and write post-it notes about what they think makes Milpitas special.

Some insights gained from this event included:

- Survey responses were similar to the online survey results, with “Friendly” and “Diverse” being the words most often chosen to describe Milpitas.
- The Sunnyhills housing development, built in 1950s as one of America’s first racially integrated housing communities, remains a symbol of how Milpitas has always been diverse, yet integrated.
- One lifelong resident said he “loves” the Minuteman as a symbol of Milpitas.
- A visitor who is originally from Mexico said she loved the name "Milpitas" because it made her think of gardens, orchards, crops, etc. She translates it as "little corn fields" and says for her it evokes "the land of the corn," which is very important in Mexican culture.
- One member of the Arts Commission, however, strongly dislikes using corn as a symbol of the city and would like to see more public art throughout the City.
- One person said, “Milpitas doesn’t have a personality yet.”
- One person praised Milpitas for “its diversity and its willingness to accept a multitude of changes brought about by BART and current economic challenges.”

Attending this workshop was also beneficial to the Articulate Solutions team, as we got to learn more about the City of Milpitas’s economic development goals and strategy. The timing of this Community Identification and Branding Study seems to align well with the City’s overall plans. Establishing a well-defined brand and using it consistently will help project a more credible image, which can help attract, retain and expand business opportunities in Milpitas.



ADDITIONAL RESEARCH

BOOKS, ARTICLES, VIDEO

To broaden our knowledge about the history of Milpitas, members of the Articulate Solutions team read the book *Images of America: Milpitas*, reviewed various websites about Milpitas, and watched a video ("Calling Milpitas Home") that was prepared for the City's 60th anniversary in 2014.

Some key learnings from these resources include:

- Various translations of "Milpitas" include: "A thousand gardens," "Land of a thousand flowers," "Little cornfields"
- Natural resources have always been important: agriculture, grass-carpeted hills, native oak trees
- Milpitas has been a "crossroads" throughout history: between Mission San Jose and Mission Santa Clara; from San Francisco to gold country; 880/680/237 freeways connecting East Bay Area to San Jose
- Important buildings and landmarks include: original adobe buildings; American elms; O'Toole estate/Elmwood Jail; Milpitas Grammar School (now library); Main Street, Ed Levin Park
- Important historical events: train (1869); Ford plant (1953); incorporation as City (1954); rejection of annexation by San Jose (1961); 680 freeway (1975); Great Mall (1994)
- Ethnic and cultural diversity has always been a characteristic of Milpitas that is highly valued by residents

Articulate Solutions also reviewed recent articles about Milpitas, the City's economic development, and updates to the General Plan published in *Silicon Valley Business Journal* in 2019.

Based on these articles, some important areas of focus for the City of Milpitas include:

- Promoting health and wellness (walking and biking, healthy food, safe neighborhoods, etc.)
- Creating a distinct sense of place
- Attracting high quality jobs and businesses (esp. STEM, advanced manufacturing)
- Pursuing transit-oriented development opportunities (at and around new BART station)
- Encouraging adaptive reuse (e.g. Ford Plant → Great Mall) to build on strengths while looking to future
- Embracing entrepreneurship and creativity ("Invest – Innovate – Inspire")



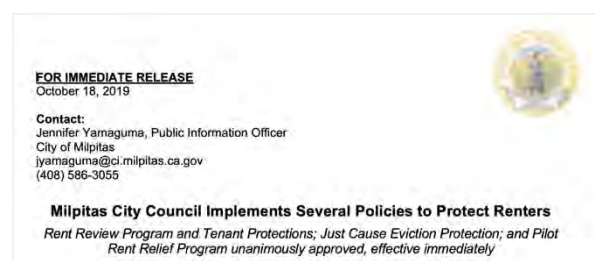
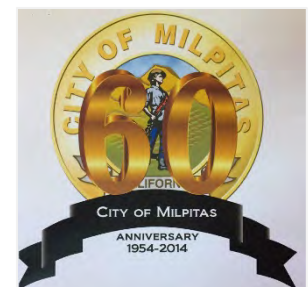
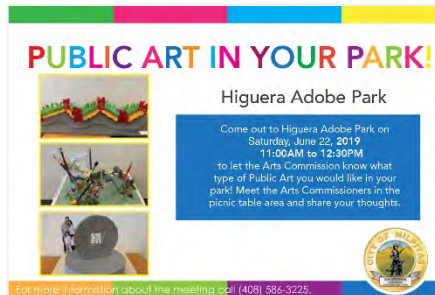
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EXISTING BRAND USE

The official seal of the City of Milpitas is a circular mark that features symbol of a Minuteman holding a musket, his hand resting on a plow, against a background of the Milpitas foothills and an agricultural field. A banner includes the City's incorporation date of January 26, 1954. The symbolism evokes both the City's independent spirit and its agricultural heritage.

The City does have a basic style guide that was established in a Branding Proposal from November 2015. This guide includes recommended font (Verdana), color palette (including Blue, Yellow, and Light Blue) and templates for official letterhead, business cards, email signatures, and presentations. However, several stakeholders stated that these guidelines are only loosely followed. The images below show the city seal being used in a variety of applications.





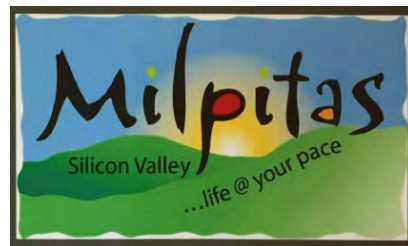
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The following are some other logo marks used by various city agencies, community groups, schools and businesses in Milpitas:



MILPITAS
General Plan Update





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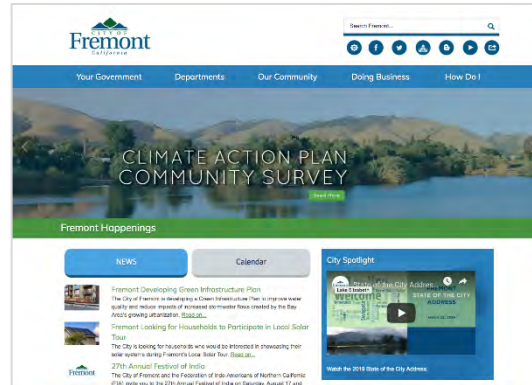
OTHER SILICON VALLEY CITY BRANDS

For reference and inspiration, Articulate Solutions researched the logo marks, website home pages and taglines for other cities and communities in the Silicon Valley and Bay Area. Note that many cities have both a logo mark in addition to the “official” city seal.

City of Cupertino

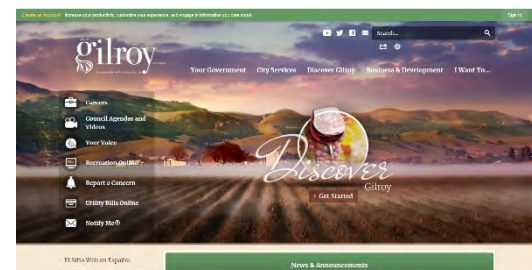


City of Fremont



City of Gilroy

“A Community with a Spice for Life”



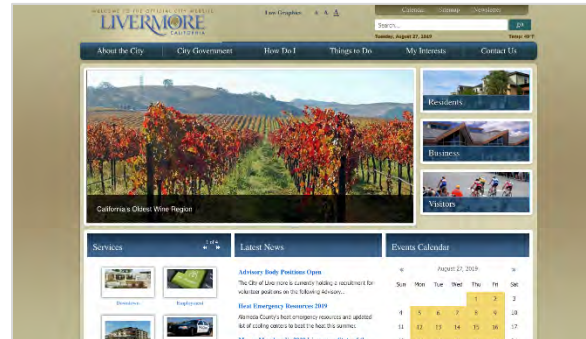


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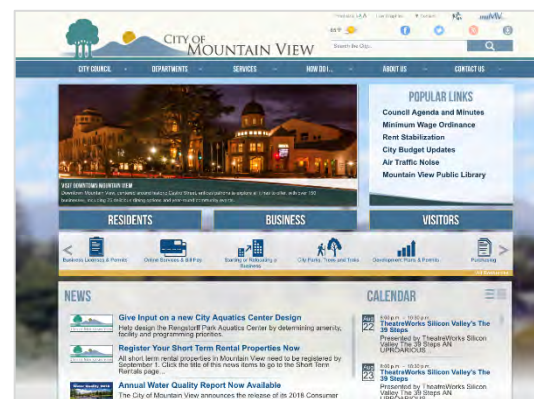
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City of Livermore

"The Gateway to the Central Valley"



City of Mountain View



City of Palo Alto

"Birthplace of the Silicon Valley"



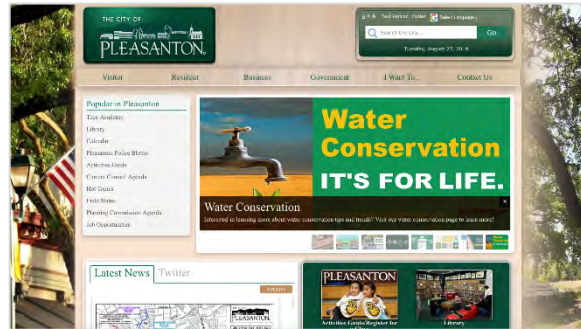


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City of Pleasanton

"It's all the name implies."



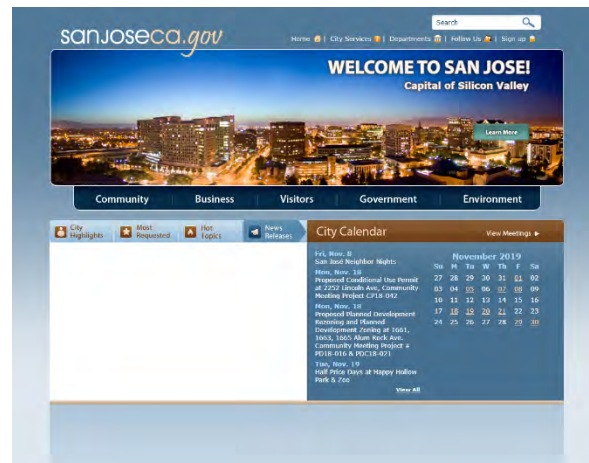
Redwood City

"Climate Best by Government Test"



City of San Jose

"Capital of Silicon Valley"





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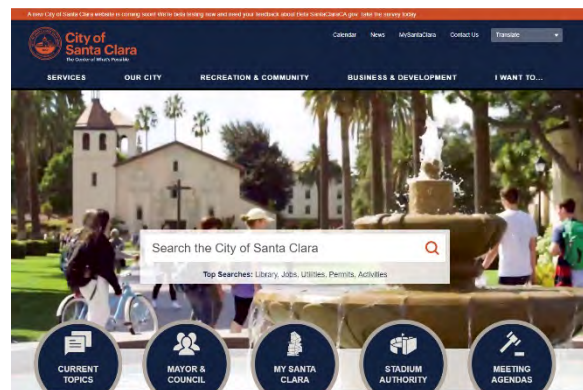
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City of San Ramon



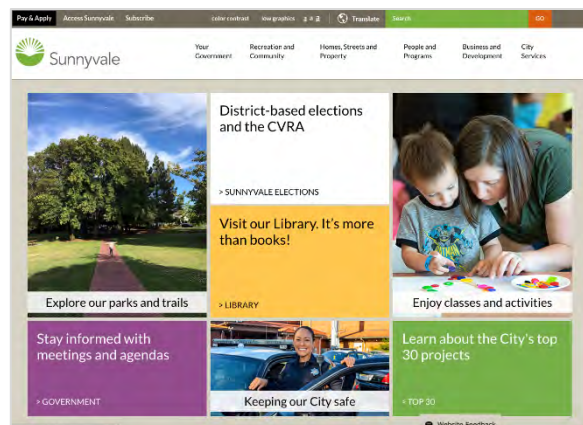
City of Santa Clara

“The Center of What’s Possible”



City of Sunnyvale

“A thriving community that innovates our world”





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City of Union City

“Where Innovation Grows”





CONCLUSION AND NEXT STEPS

This Community Identification and Brand Study provides an essential foundation for understanding the history, values, unique attributes, and overall personality of the City of Milpitas. All of these elements fit together to create the City's brand. The next steps are to formalize and align that brand to support the City's general plan, drive economic development, and boost community engagement.

The first step in formalizing the brand is to create a **Style Guide**. This will be a comprehensive document that may include updates to: usage of the city seal, revised logo mark, color palette, recommended fonts, and other core brand elements. Once established and approved, these guidelines will be applied to all City communications including business stationery, flyers, posters, e-newsletters, and other materials.

The City of Milpitas **website** is a critical tool for both economic development and community engagement. Using the Style Guide as a reference, the website design should be refreshed so that it aligns with the City's updated brand and other materials. Additional evaluation of ADA compliance should be addressed.

Gateway and **wayfinding** signage are effective ways to create a sense of "place" that helps to define boundaries, boost community pride, welcome visitors, and drive business growth. A comprehensive plan for new gateway signage at key entry points as well as wayfinding signs to important landmarks would be a powerful way to reinforce the new City of Milpitas brand.

The Articulate Solutions creative team looks forward to working in collaboration with the City Manager's office as well as the Economic Development team on these projects.



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|-------------------------------|---|
| Item Title: | Adopt the City of Milpitas Information Technology Strategic Plan and provide feedback to staff. |
| Category: | Leadership and Support Services |
| Meeting Date: | 5/19/2020 |
| Staff Contact: | Mike Luu, Information Technology Director, 408-586-2706 |
| <u>Recommendation:</u> | Adopt the City of Milpitas Information Technology Strategic Plan and provide feedback to staff. |

Background:

In March 2019, the City's Information Technology (IT) Department worked with Purchasing to release an RFQ for Professional Services to assist the City in developing a five-year Information Technology Strategic Plan (ITSP). After the proposals were submitted, the top two proposers were interviewed, and ThirdWave Corporation was selected. ThirdWave is a full-service Management Consulting / System Integration firm based out of Los Angeles. For over 32 years, it has helped more than 160 city, county, state, and federal agencies with IT Strategic Plans and implementation of IT projects. The firm also has a patent on the Rapid Workflow Business Process Improvement (BPI) that was used to collect data for the ITSP.

The City currently does not have a strategic plan and has not had one since the IT department was established 22 years ago. The purpose of an ITSP is to define technology initiatives that align with the City's business and operational objectives and appropriately allocate limited IT staff resources and funding. Even though the ITSP recommends project initiatives for the next five years, the ITSP is a living document that will be assessed and adjusted annually. An annual assessment will ensure that the ITSP remains current with the City's needs and priorities and adjusts to evolving technology. Any recommendations for staffing and funding will be brought forward during the annual budget process. The adoption and implementation of the ITSP will leverage effective investment in technology systems, while at the same time supporting the City's services and programs. The ITSP contains actionable recommendations that will guide and shape how the City delivers innovative and effective technology services throughout the organization and to the community at large.

The City has a centralized IT department model where core systems and networks are managed by staff in IT. Currently, the IT Department has 13 budgeted positions; this number includes one Geographic Information Systems (GIS) position that has moved from Engineering to IT to better support a citywide GIS initiative.

On May 4, 2020, the draft ITSP was presented to the Science, Technology, and Innovation Commission to receive feedback and recommendations from the public and its members. The

Commission unanimously supported the ITSP. The Commission requested regular updates on ITSP implementation, and to include cost benefit analysis on the recommended IT initiatives.

Analysis:

The consultant initiated the project in June 2019 with data gathering and systems discovery. The next four months were involved with onsite interviews and conducted Business Process Improvement workshops with participation from staff from all departments. Below are some high-level overviews, please refer to the attached ITSP for full analysis and description.

Project Goal and Objectives

The goal of the project is to create a responsive five (5) year ITSP employing a participatory process engaging City staff, management, and the IT department. The objectives are in alignment with the City's mission statement and established Council Core Values, including:

Core Values

- Superior Customer Service: by providing Information System, workflow automation and Information Technologies responsive to the needs of Milpitas residents, businesses, and visitors, providing efficient and convenient services
- Open Communication: by promoting online and virtual access to information
- Integrity and Accountability: by providing secure data, data integrity and system security
- Trust and Respect: by implementing systems with high degrees of reliability, allowing all City departments to establish community trust in the services they provide
- Recognition and Celebration be recognized as providing thought leadership in the leveraging of emerging Information Technologies

The ITSP represents the results of a comprehensive citywide assessment of IT needs. It provides high-level technical specifications for approximately 27 IT, operational and management recommendations, along with the rationale for all the initiatives. Like a set of 'construction blueprints,' this document contains specifications for the deployment of systems over the next five (5) years.

The ITSP Roadmap contains articulated objectives that will guide how the City delivers innovative and effective services internally and to the public.

Project Approach and Methodology

The ITSP is the result of a comprehensive and thorough assessment of the City's existing technologies, operational requirements and service delivery needs. It addresses the unique requirements of the mission critical business needs of the City and its customers. The ITSP project employed a comprehensive and structured methodology based on best practices. The consultant's patented data driven method included the collection and synthesis of various types of information, including:

- Data on existing and planned Information Systems
- Four (4) focus group discussions with IT staff and management
- Sixteen (16) interviews with the City's leadership team
- Sixteen (16) half-day Rapid Workflow business process improvement workshops addressing mission critical business functions.
- Online Citywide Survey, to allow all City staff the opportunity to provide input

Thus, the ITSP is a collaborative, data driven effort, and was based on input from City management and staff who made valuable contributions throughout the project. The focus of the ITSP was to address operational and technology challenges that could be mitigated with strategic investments in emerging technologies and to look for opportunities to enhance business processes. Although the ITSP was not informed by community input, staff will be engaging the community through separate efforts on various initiatives such as the City website and external facing platforms and user interfaces.

The ITSP is comprised of two complementary volumes (attached):

Volume 1: ITSP Findings & Recommendations identifies a comprehensive set of possible management, operational/business process improvement, and Information Technology initiatives and,

Volume 2: ITSP 5 Year Implementation Roadmap provides the final proposed and prioritized initiatives, budget estimate, and 5-year timeline for implementing the ITSP.

The ITSP outlined key strengths and areas of growth as listed below:

Key Strengths:

- IT Staff are highly experienced and committed professionals, with a conscientious commitment to delivering exemplary services to City customers and the Milpitas community.
- The City has made significant investments in IT in the last several years resulting in infrastructure that is in good condition
- Many key IT projects completed (18) recently or planned/underway (11) that have resulted in efficiencies, enhanced security, and paperless business processes
- Many new members on the City's leadership team, which provides the opportunity for fresh ideas on how the City can provide exceptional services.

Key Areas for Growth:

- Lack of formal process to define technology requirements, with little end user engagement in many cases
- Lack of enterprise focus on the procurement of technology, which has resulted in interoperability issues and standalone systems requiring integration
- Limited staff resources in a number of key technical areas, including GIS, application specialists and business analysts.

A complete list of findings and recommendations can be found in Sections 3 and 4 of the ITSP.

ITSP Initiative Prioritization

ITSP Initiatives were prioritized through a range of performance parameters aligned with common municipal business objectives and tangible internal and public benefits, including:

1. Ability to meet internal/external ITSP Requirements: identified in Rapid Workflow® workshops, Management Interviews, Online Staff Survey and/or IT Focus Groups
2. Improved Staff Productivity: Staff time savings, improved internal operating efficiencies; enhanced ability to share data
3. Improved Customer Services: in person or on-line customer service, online 24x7 convenience, Web-enabled services for faster/easier service delivery
4. Cost Savings provides the potential for hard dollar savings, deferred expenses and/or cost avoidance

5. **Revenue Generation:** provides the potential of increased revenues where the City collects fees. The cornerstone of the ITSP Roadmap is to ensure that investments in strategic business technologies are sound and deliver the highest possible value to the City and its community. Moreover, the ITSP document provides a wide range of initiatives that can be leveraged over the next five years to facilitate excellence in service delivery, civic participation, and community wellbeing.

The ITSP identified twenty-seven recommendations. The following nine represent the most significant.

1. IT Governance

Implement a governance structure to ensure appropriate planning, business process evaluation, budgeting, and approvals for IT projects and initiatives

2. IT Organization aligned with the plan over 5 Years

Annually assess staff resources and funding to support IT initiatives

3. Enterprise GIS with GIS Team

Establish a cross departmental team to collaborate on a GIS related work including standards, roles and responsibilities, and a GIS master plan

4. Enterprise Content Management Strategic, including Standard Indexing

Establish a system to store documents with workflow automation and version control

5. Procure prioritized systems employing best practices

Develop a process to ensure all functional and technical requirements are well defined prior to procuring new systems or upgrading existing systems

6. Assess and redesign the City's Website

Redesign the website to enable an enhanced user experience, efficient content management, and compliance with ADA requirements

7. Adopt business process improvement practices

Establish practices to vet and continually improve business processes in order to develop the most effective technology solutions

8. Establish an ongoing training program for staff

Provide training to staff prior to roll out of any new technology and establish an ongoing training program to maximize use of available technology tools

9. Develop, adopt, and test Disaster Recovery and Business Continuity Plan

Build on existing systems and controls and conduct testing of Disaster Recovery and Business Continuity Plans to improve system resilience and sustainability in the event of a disaster

IT Strategic Plan Roadmap Benefits

The ITSP Roadmap identified a number of quantitative and qualitative benefits project indicating considerable opportunity for enhancing internal operations and service delivery to the public. Qualitative business process improvement and service delivery benefits were split equally across external (customer focused) and internal benefits. While the benefits were not quantified (i.e., there is no measure of the magnitude of benefits in terms of dollars), the list below provides a general indicator of the opportunity.

The top 10 benefits listed below, along with several other quantitative and qualitative benefits provide a compelling business case for approving and funding the City of Milpitas's ITSP Roadmap.

1. Increased efficiency
2. Staff time savings
3. Access to accurate/real-time data
4. Business process improvement
5. Improved customer service
6. Reduced staff stress
7. Improved accuracy
8. Happier staff
9. Improved productivity
10. Faster processing

These qualitative benefits provide a compelling business case for approving and funding the City of Milpitas's ITSP Roadmap.

Proposed Initiatives and Estimated Costs in FY 2020-2021

The budget estimate included in the ITSP Roadmap reflects a comprehensive analysis, drawing on specific data collected during the ITSP process; however, they are only preliminary estimates for budgetary purposes.

| No. | Initiative Name | Cost | Funding Status |
|--------------------|--|------------------|------------------------------|
| 1. | IT Organization and Staffing | | N/A |
| 2. | IT Governance | | N/A |
| 3. | Cyber Security Assessment | \$50,000 | In Proposed Five-Year CIP |
| 4. | Server Management Software | \$50,000 | In Proposed Five-Year CIP |
| 5. | Training Program (IT & End Users) | \$100,000 | In Proposed FY 20-21 Budget |
| 6. | GIS Master Plan | \$75,000 | In Proposed Five-Year CIP |
| 7. | Trak-it e-Permitting/Affordable Housing | \$100,000 | Included in FY 19 -20 |
| 8. | Online Business Licenses & Permits | \$200,000 | In Proposed Five-Year CIP |
| 9. | Audio Visual Equipment | \$25,000 | Included in FY 19 -20 Budget |
| 10. | Fire Field Command | \$140,000 | Included in FY 19 -20 Budget |
| 11. | Procurement Process BPI | \$10,000 | In Proposed FY 20-21 Budget |
| 12. | Utility Billing, Meter Repairs, Cashiering | \$50,000 | In Proposed FY 20-21 Budget |
| Total Costs | | \$800,000 | |

Current IT staffing levels are adequate for the implementation of the ITSP in FY 20-21. Funding for the initiatives in Year 1 is included in the Proposed 2020-2025 Capital Improvement Program (CIP) and the Proposed 2020-2021 Operating Budget.

Summary of Costs over Five Years (Include the Fiscal Years and Summary of Estimated Costs)

The Table below includes a summary of the estimated costs for the five-year ITSP. Costs are across All Funds. Detailed project initiatives and costs can be found on page 12 of Volume 2: ITSP 5 Year Implementation Roadmap

| Year 1 (FY 20-21) | Year 2 (FY 21-22) | Year 3 (FY 22-23) | Year 4 (FY 23-24) | Year 5 (FY 24-25) | |
|----------------------|----------------------|----------------------|----------------------|--------------------------|--------------------|
| \$800,000 | \$571,250 | \$307,500 | \$567,000 | \$472,500 | |
| | | | | Total 5 Year Cost | \$2,718,750 |

For Years 2 to 5 of the ITSP, staff will evaluate resources and projects and either bring forward recommendations for additional resources and funding through the annual budget process or make adjustments to the ITSP as needed, if funding is not available. Regular updates on the ITSP will be provided to the Science, Technology, and Innovation Commission and City Council.

Policy Alternatives:

Alternative: Do not adopt the ITSP.

Pros: Potential cost savings from not implementing certain projects.

Cons: Staff could continue to implement discrete projects but without a strategy that links the decision making and functionality of these projects.

Reason not recommended: In order to effectively support City operations and business processes while optimizing the use of IT resources and funding and to strategically position the City for the next five (5) years, staff is recommending adopting the ITSP, including the Roadmap.

Fiscal Impact:

The ITSP is planned for the next five years with year one starting in FY 2020-2021. Costs for the initiatives in Year 1 are included in the Proposed 2020-2025 Capital Improvement Program (CIP) and the Proposed 2020-2021 Operating Budget. Staff will continue to assess the ITSP and required staffing as part of the annual budget process and bring forward any recommendations within available resources for Council consideration.

California Environmental Quality Act:

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a “project” for the purpose of CEQA as this action has no potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

The City Council’s action in adopting the Information Technology Strategic Plan (ITSP) is also exempt from CEQA under Guideline 15306 as projects recommended do not cause or result in a serious or major disturbance to an environmental resource. The project initiatives captured in this strategy document details potential actions the City can explore, but which it is not yet approving, adopting, or funding. Any future consideration of potential actions will include an analysis of any environmental impacts associated with implementation of those actions. At this time, to explore any potential environmental impacts of each potential action contemplated in the study would be speculative and is not required by CEQA.

Recommendation:

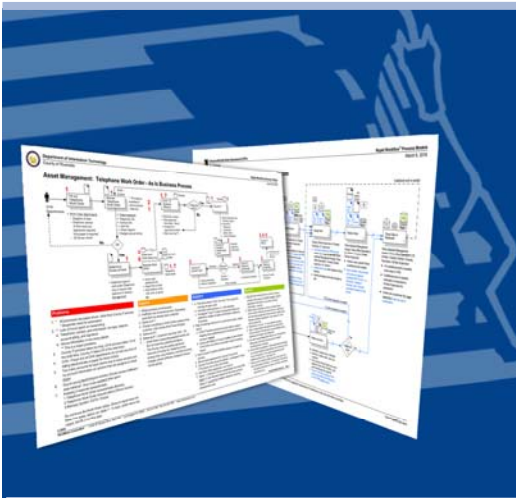
Adopt the City of Milpitas Information Technology Strategic Plan and provide feedback to staff.

Attachments:

- A: Information Technology Strategic Plan (ITSP)
- B: ITSP Implementation Roadmap

Rapid Workflow®

Problems, Impacts,
Solutions, Benefits



Information Technology Strategic Plan & Roadmap

Volume 1: Findings & Recommendations
February 18, 2020

**32
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Preface



Preface

The City of Milpitas (City) Information Technology Strategic Plan and Roadmap (ITSP Roadmap) is the result of a comprehensive and thorough assessment of the City's existing technologies, operational requirements and service delivery needs. This document reflects a strategy that is technologically strategic, operationally responsive, and fiscally responsible. It addresses the unique requirements of the mission critical business needs of the City and its customers.



The ITSP Roadmap is a data driven product of a collaborative effort with City management and staff who made valuable contributions throughout the project. A focus was placed on addressing management, operational and technology challenges that could be mitigated with strategic investments in emerging technologies.

ThirdWave observed numerous strengths at the City including the following:

- City staff have an extraordinary level of professionalism, with a conscientious commitment to delivering exemplary services to City customers and the Milpitas community.
- The City has made significant investments in Information Technologies in the last several years since the Great Recession.
- City IT staff have done a commendable job implementing numerous Information Technologies in the last couple of years. A list of 18 (eighteen) implemented and 11 (eleven) planned Information Technology projects is included in the Appendix of this document.
- The City has a number of new members on the leadership team, which provides the opportunity for fresh ideas on how the City can provide exceptional services.



- IT Staff are highly experienced and committed professionals, some of which have been at the City for a significant length of time, e.g., up to 20 years.

The most significant weaknesses include the following:

- The IT Department lacks formal Information Technologies requirements definition best practices with little or no end user engagement in many cases. This has resulted in systems not meeting end user requirements; marginally successful deployments, and software selected because of the lowest cost not articulated performance parameters.
- A lack of enterprise focus on the procurement of Information Technologies, which has resulted in interoperability issues and standalone systems requiring integration.
- The City IT Department has limited staff resources in a number of key technical areas, including GIS, Application Specialists and Business Analysts. Effectively supporting systems currently being deployed, in addition to IT Strategic Plan Roadmap initiatives, will be challenging, introducing risk to the implementation and sustainability of new technologies.

The ITSP Roadmap focuses on improving the status quo and articulating a path for maintaining and enhancing the City as a world class municipality in Silicon Valley. It is comprised of two complementary volumes:

Volume 1: *ITSP Findings & Recommendations (ITSP)*, identifying a comprehensive set of possible management, operational/business process improvement, and Information Technology initiatives (this document); and,

Volume 2: *ITSP 5 Year Implementation Roadmap (Roadmap)*, providing the final proposed and prioritized initiatives, budget estimate, and 5-year timeline for implementing the Roadmap (a second document).

The challenge of adopting, funding and implementing an ITSP Roadmap is a formidable one. However, given its 5-year timeline, there is plenty of latitude to execute the technology initiatives identified in the ITSP. The ITSP Roadmap is a living document that can be (and should be) reviewed and adjusted on a yearly basis. It provides an opportunity for new, more efficient ways of providing services, supporting the existing and proposed IT initiatives, coupled with strategic investments in technology.

The cornerstone of the ITSP Roadmap is to ensure that investments in strategic business technologies are sound and deliver the highest possible value to the City and its community. Moreover, this document provides a wealth of data that can be leveraged over the next five years to facilitate excellence in service delivery, civic participation, and community wellbeing. ThirdWave extends a special thanks to the City Manager's Office, Department Heads and staff at the City of Milpitas for their extraordinary engagement and valuable input.

Roy R. Hernández
Founder, President & CEO



Section 1 Executive Summary



1.1 Information Technology Strategic Plan Vision

This document provides an Information Technology Strategic Plan and Roadmap (ITSP Roadmap) custom tailored to the City of Milpitas.

Informed by the unique organizational and operational needs of the City, and input from the City's staff, the ITSP Roadmap offers a technologically sound vision focusing on Strategic Business Technologies responsive to the challenges and opportunities that exist at the City.



The vision of the ITSP Roadmap is to:

Provide a comprehensive roadmap fostering the use of proven state-of-the-practice Information Technologies in the most strategic, innovative, cost effective and efficient manner possible to support internal City operations, extraordinary customer service delivery, and community wellbeing.

The adoption and implementation of the ITSP Roadmap will leverage the effective investment in Information Technologies, while at the same time support the City's mission critical services.



1.2 Project Goal & Objectives

The goal of the project is to create an exceedingly responsive five (5) year ITSP Roadmap employing a participatory process engaging City staff, management and the IT department. The objectives are to:

- Connect technology resources, innovation, and initiatives to the City's core values and mission critical services
- Serve as an effective framework for how IT services are delivered throughout the City
- Define a clear set of goals, guiding principles, and strategic priorities for accomplishing the City's ITSP, principles and implementation roadmap



The ITSP Roadmap represents the results of a comprehensive City-wide assessment of IT needs. **It provides high-level technical specifications for approximately twenty-seven (27) Information Technology, operational and management recommendations.** Like a set of 'construction blueprints,' this document contains specifications for the deployment of systems over the next five (5) years. It is meant to memorialize all IT initiatives, and their rationale. The ITSP provides substantial detail so that years from now, if City staff change, there is a written record of what needs to be done and why. Consequently, this is a sizable document. This is a reference volume, not a document meant to be read in one sitting.

Moreover, the ITSP Roadmap provides actionable recommendations written in such a way as to be useful in the development of numerous solicitation documents (RFPs) over the next five years.

The ITSP Roadmap contains articulated objectives that will guide how the City delivers innovative and effective services internally and to the public.

1.3 Project Approach & Methodology

The ITSP Roadmap project employed a comprehensive and structured best practice methodology: ThirdWave's patented data driven method which collected and synthesized various types of information, including:

- Data on existing and planned Information Systems
- Focus Groups with IT staff and management
- Interviews with the City's leadership team
- Online Staff Survey, to allow all City staff the opportunity to provide input
- Sixteen (16) half-day Rapid Workflow® business process improvement workshops addressing mission critical business functions



1.4 Information Technology Strategic Plan (ITSP) Findings

1.4.1 Summary of Key Findings

The ITSP Roadmap project identified strategic initiatives spanning management, operational and technological areas of opportunity for improvement. The following provides a summary of the top ten challenges facing the City; these are all challenges having a broad impact on the City. (All initiatives are described in detail in Section 4, ITSP Roadmap Recommendations in this document. Technical terms are defined in a glossary in Section 5 of this document.)

1. Lack of IT Governance & Formal Requirements Definition on IT Procurements

The City does not have IT Governance policies and practices in place. (An IT Governance process overlays business controls that entail the proper planning, approving, budgeting, purchasing and deployment of Information Technologies and/or professional services.) The project confirmed that the IT Departments lacks formal system requirements definition standards, templates or practices, which has resulted in the procurement of unresponsive systems, wasted time and money, and inhibited the delivery of needed systems to City departments.

2. IT Organization Resources & Operating Model

The existing IT organization and operational model are not positioned to support existing systems and projects, as well as those identified in the ITSP. This has resulted in IT implementations with marginal success, limited staff training and curbed end user acceptance. The current level of IT staff resources will be unable to sustain the implementation to the IT Strategic Plan over the next five years.

3. Lack of GIS Enterprise Focus & Support Structure

GIS, a critical enterprise application at the City, has a number of challenges. Operationally, one regular employee (a manager) is supporting the GIS needs of the City. Given that GIS is an enterprise application, and many of the applications currently being implemented are GIS-centric, e.g., Lucity, See-Click Fix, WinCam, etc., the existing situation is counter strategic. That lack of a GIS team will prohibit the City's ability to leverage spatial data throughout the City.

4. Lack of Enterprise Content Management Strategy

Electronic content management was one of the most mentioned technology requirements throughout the project. A number of disparate systems are used to store, access and manage documents/records, and there is no city-wide taxonomy. The lack of this results in the inability to store and find documents/records necessary to provide key City services. It also creates legal exposures.

5. Application Software Needs

The City has implemented, and is implementing, a number of significant software solutions. However, the selection and implementation of some systems seems to have been disjointed. A number of implemented systems do not employ best practice requirements, vetting and selection, often without sufficient end user participation. The City also lacks a



number of contemporary application software, e.g., Redlining Plans, Available Housing, Enterprise Content Management, Budget System, etc.

6. City Website

The ITSP project revealed a number of challenges with the City website, including poor website design, cumbersome content management, branding, functionality issues, and slow performance. Moreover, the City lacks a best practice process for website content management.

8. Lack of Role-based End User Training

The project revealed that end users often lack role-based training on implemented systems, resulting in the City not getting the maximum return on the investment in technology. IT staff lack the time to provide application software training to end users.

10. Lack of Disaster Recovery/Business Continuity Policies and Procedures

The project revealed that the City lacks an articulated and tested Disaster Recovery/Business Continuity Plan, which can result in a lack of resilience and inability to recover systems and data in the event of a natural or manmade disaster. The absence of a Business Continuity Plan can result in an inconsistent emergency operational response and considerable risks to the City's Information Systems.

1.4.2 Summary of Key Recommendations

The ITSP Roadmap project identified hundreds of specific actionable recommendations compiled into approximately 27 ITSP initiatives. The items below provide a summary of the top ten organizational and technical recommendations for the ITSP Roadmap.

1. Adopt IT Governance & Formal Requirements Definition on IT Procurements

Implement a formal IT Governance process and practices to ensure the appropriate selection and implementation of IT solutions enabling the City to achieve its goals and objectives. IT governance should establish:

- IT staff work with departments to determine business, functional and technical requirements to meet the needs of the City
- IT staff develop technical specifications and justifications for the evaluation, selection, and prioritization of proposed technology procurements
- IT staff produce and present proposed IT initiatives to executive management for review and funding approval

2. Align the IT Organization to Effectively Support the City & ITSP

Reconfigure and properly resource the IT organization with the knowledge, skills and abilities to deliver exemplary IT services including:

- Augment the IT organization's resource gaps with the following: Systems Engineers, GIS Analyst, Database Administrator and Business Analyst, utilizing (in part) the existing four vacant positions.



- Place a new and refocused commitment to IT staff professional development to enhance the team's technical expertise, fostering high caliber systems deployments, end user support and training -- employing IT best practices.
- 3. Develop and implement a GIS Master Plan and Resource an Enterprise GIS Team**

Develop a GIS Strategic Plan to deploy and leverage spatial data across the City, employing best practices. Address the following: graphic standards, workflows for each department using GIS, Metadata, staffing and training. This recommendation will be supported with the introduction of a proposed GIS staff added to the IT Department.
- 4. Develop an Enterprise Content Management Strategy & Taxonomy**

Develop an ECMS Strategy & Implementation Plan to deploy content management across the City, employing best practices. Address the following:

 - Develop a City-wide taxonomy (naming convention) for all document and records, aligned with the City Records Retention Schedule.
 - Articulate technical and functional software requirements for enterprise content management, records management, workflow automation, e-forms and e-signatures for each department.
 - Produce an implementation sequence to leverage ECMS across the City.
- 5. Assess and Procure Mission Critical Software employing Best Practices**
 - Carry out a forensic evaluation of existing marginal system deployments, and determine if they can be salvaged or should be discontinued.
 - Evaluate, prioritize, and replace/implement application software identified in this document, focusing on applications highly tailored and responsive to the specific business, functional and technical requirements of the City, as identified in the Rapid Workflow® workshops
- 6. Carryout a City Website Assessment and Redesign**

Carry out a website assessment to address website navigation, visual design, and Graphical User Interface. Adopt a state-of-the-practice Web Content Management application. The redesigned website should focus on providing online services, which was rated overwhelming as "Very Important" by staff in the online survey. This should be supported by a redesigned web content management/posting decentralized model and process, employing authoring, editing, posting best practice quality control procedures. This initiative should be led by the Communications group.
- 8. Adopt Role-based End User Training on all IT Procurements**

Obtaining the highest return on investment and use of Information Technologies depends on how well staff are trained. The first level of training is provided by software vendors when systems are implemented. However, staff who join the City after system deployments cannot take advantage of it. To close the knowledge gap, the City should:

 - Establish ongoing training programs to provide end user software training. Training should also include non-software related training, e.g., Project Management 101, Procurement and Agenda business process training
 - Set up a multipurpose training lab



10. Develop a Disaster Recovery (DR) and Business Continuity (BC) Plans

Retain a professional organization to develop DR/BC Plans. Include policies, processes and procedures to recover and ensure business continuity in regards to technological infrastructure in the event of a manmade or natural disaster. Disaster recovery planning is a subset of a larger process Business Continuity Planning and should include planning for the resumption of applications, data, hardware, communications and other IT infrastructure. Both plans should be tested.



Section 2 Project Overview



2.1 Project Background, Goal & Objectives

The goal of the Information Technology Strategic Plan and Roadmap (ITSP) is to identify internal and external technology needs, the role of Information Technology services within the organization, and responsive technology solutions that will allow the IT organization to provide exemplary services to the City, its customers and the community of Milpitas. Moreover, the ITSP will help guide the City in responsive technology planning and sound investments.

The objective of the ITSP is to provide a 5-year ITSP Roadmap employing a highly participatory process directly engaging City staff. The ITSP contains actionable recommendations that will guide and shape how the City delivers innovative and effective technology services throughout the organization and to the community at large.

This report is accompanied by a second volume, **Volume II: ITSP Roadmap** focusing on prioritization, budgeting and deployment timelines. As such, the following pages address “what” should be done, and the ITSP Roadmap addresses “when” and at “what cost.”





The objectives of the ITSP are to:

- Define a clear set of goals, guiding principles, and strategic priorities for accomplishing the City's objectives defining best practices and actionable recommendations.
- Serve as the framework for how IT services will be delivered with an enterprise focus (instead of in a siloed manner) to integrate existing and new systems to provide business process improvement.
- Provide actionable recommendations and be the guiding document that shapes how the City delivers innovative, unified and effective technology services throughout the organization and the community of Milpitas.

To this end, the implementation of future business systems and Information Technology initiatives must be properly prioritized, scheduled, and coordinated as part of an enterprise ITSP. Implementation of the ITSP will help ensure the City's technological advancement by making logical and sound investments in physical resources (i.e., hardware, software, integrated systems, etc.) and human resources (staffing and training).

2.2 IT Strategic Plan Roadmap Project Approach

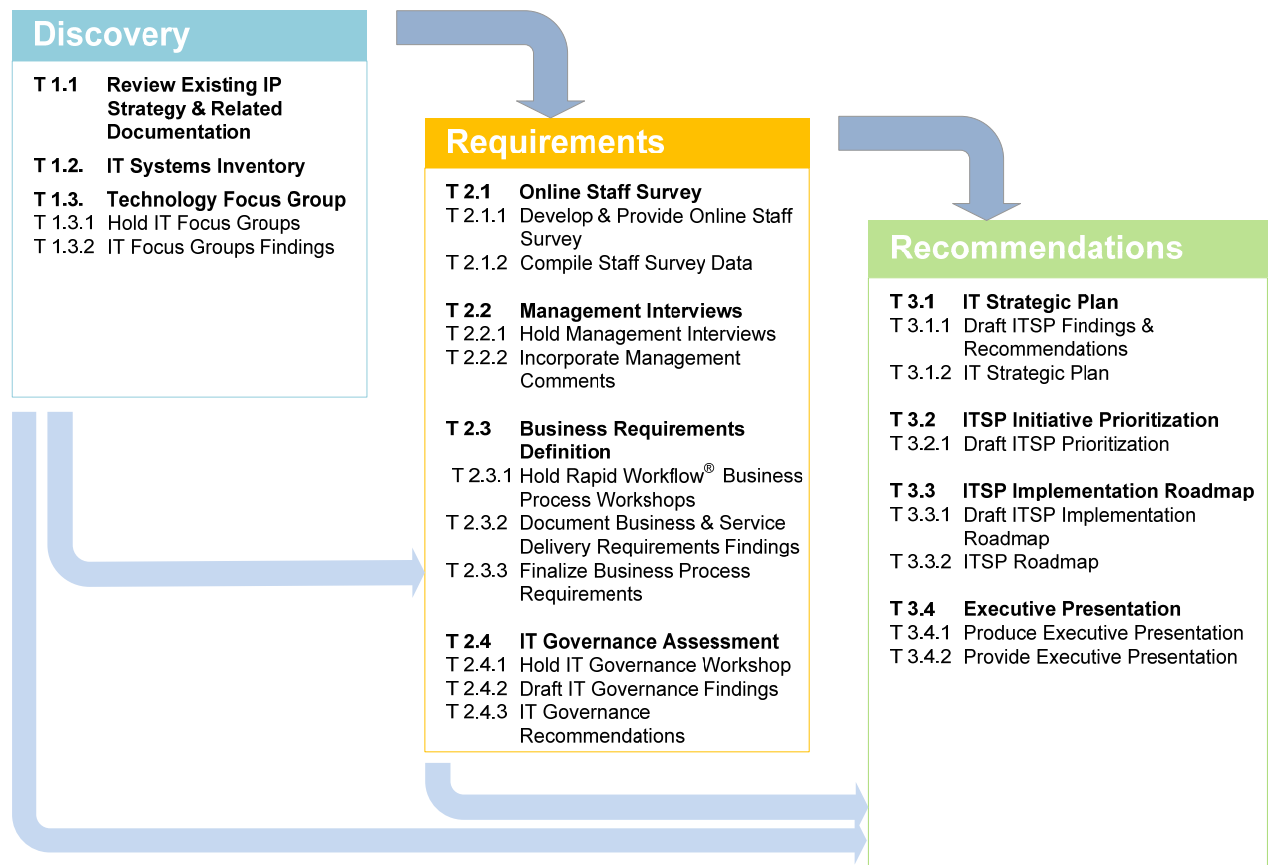
The ITSP project employed a comprehensive and structured approach relying on the collection, assessment, and synthesis of various types of data gathered in the course of the project, including:

- Documentation of Current Technology
- IT Systems Inventory
- Management Interview data
- City Staff Online Survey data
- IT Focus Groups data
- Rapid Workflow® Business Process Workshop data

Figure 2.2.1 on the following page illustrates the approach used on the ITSP Roadmap project. The project was broken out into three phases: Discovery, Analysis/Requirements, and Recommendations/Strategy.



Figure 2.2.1: Comprehensive Project Methodology



The project employed ThirdWave's patented Enterprise Architecture data driven methodology where data from one phase informs the subsequent project phases and forms the basis for the final recommendations and strategy.

Phase 1: The Discovery Phase established a baseline understanding of the City's IT and business systems environment, including a survey of existing Information Technologies.

Phase 2: The Requirements Assessment Phase engaged a broad section of stakeholders, including:

- City Department Heads: in management interviews soliciting a management perspective on current and future operating challenges faced by the City.
- City staff: sixteen (16) business requirements workshops held to address departmental and enterprise operating/service delivery needs. A total of 67 (sixty-seven) staff participated in the workshops. Many staff attended multiple workshops for a total participation level of 109 (one-hundred and nine), with some staff attending up seven workshops



- IT staff: in four focus groups addressing Infrastructure, Hardware, Software and IT Service Delivery

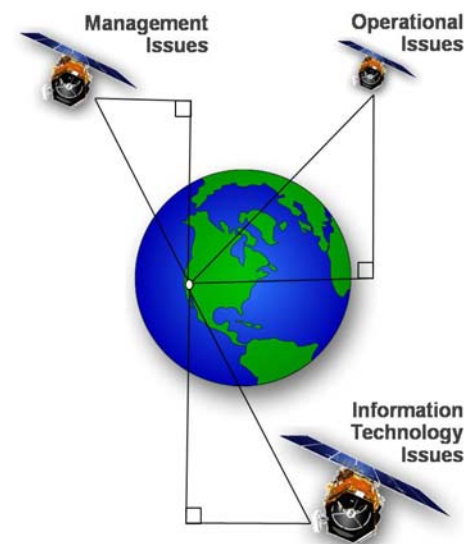
Phase 3: The IT Strategic Plan and Roadmap Phase synthesized all of the data collected in previous tasks to produce the findings, recommendations, prioritized technology initiatives, budget estimates and implementation plan.

The ITSP Roadmap identifies opportunities for improving business processes and customer service through policy, process and/or Information Technology initiatives. It is custom tailored for the specific needs of the City of Milpitas.

Figure 2.2.2: Comprehensive Project Framework

ThirdWave's IT Strategic Planning framework triangulates on all key facets of the organization to get a crisp definition of business, functional and technology requirements to produce responsive and actionable recommendations. The project employed a highly participatory process including:

- **Management Interviews:** To address business unit missions, business architecture, governance structure, management policies, strategic planning, fiscal and staff resource allocation to effectively sustain the ITSP Roadmap.
- **Operational/Business Process Workshops:** To address opportunities for streamlined business processes, methods and procedures, and tools required by staff to provide extraordinary service delivery.
- **Technology Focus Groups:** To address strategic information technologies with the appropriate infrastructure, hardware, software, Enterprise Architecture, organizational structure, knowledge, skills and abilities; standards and best practices.



ThirdWave's IT Strategic Planning
Triangulation Framework ©1988

ThirdWave's IT Strategic Planning Triangulation Framework recognizes that a viable IT strategy must address all needs of the organization, including the needs of customers and community.

This document is not meant to be read in one sitting; it is a reference guide – a roadmap for a five-year journey. The ITSP provides a blueprint with technical specifications of strategic business/IT initiatives supported by the rationale for each. This will facilitate the effective planning, procurement, implementation and management of Information Systems at the City of Milpitas.

The document Volume 1 ITSP Findings & Recommendations describes “what” the City should do. Volume 2 the ITSP Roadmap describes “when” and at “what cost”.



Section 3 IT Strategic Plan Roadmap Findings



3.1 Management Requirements Findings

Management requirements were gathered via interviews; the objectives include the following:

- Obtain a management perspective on unique business challenges facing each department
- Gather City-wide functional, operational and service delivery requirements
- Solicit management input on the existing IT organization and their support services



The following Department heads and senior staff participated:

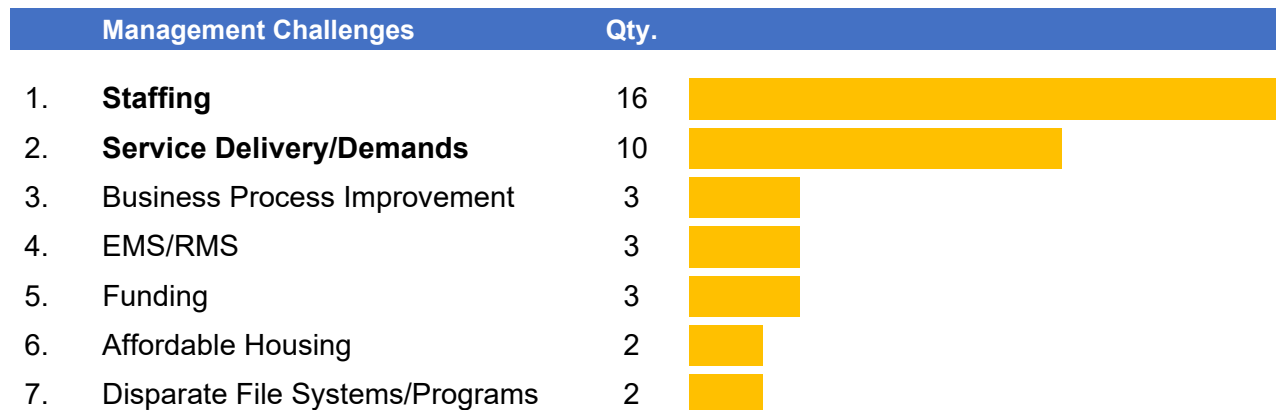
- | | |
|------------------------------|-------------------------------------|
| 1. Interim City Manager | 8. Information Technology |
| 2. Assistant City Manager | 9. Milpitas Fire |
| 3. Building Safety & Housing | 10. Milpitas Police |
| 4. City Clerk | 11. Planning |
| 5. Economic Development | 12. Public Works |
| 6. Engineering | 13. Recreation & Community Services |
| 7. Finance | |

The figures below summarize the data collected from the City's leadership team including the most significant management, service delivery and technology challenges. Department challenges are shown on the left and corresponding number of times an existing challenge was mentioned is reflected under the quantity (Qty.) column, illustrated by the Gantt chart.



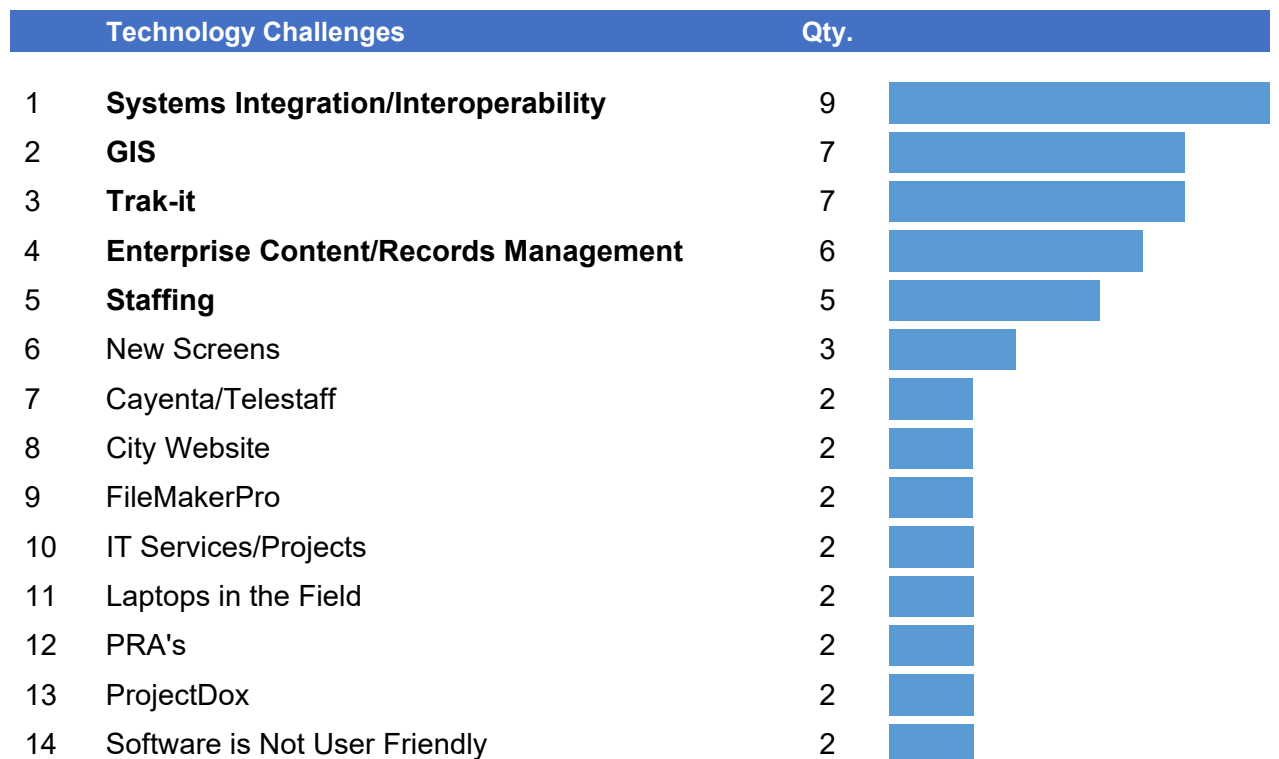
The responses below are for the following question: *“What are the most significant operational and/or service delivery (not technology) challenges facing your department at the present, and in the next 3 to 5 years?”*

Figure 3.1.1: Management Team Business Challenges



The most significant management/operational challenge facing limited staff and service delivery demands. The figure below provides a summary of technology findings.

Figure 3.1.2: Management Team Technology Challenges

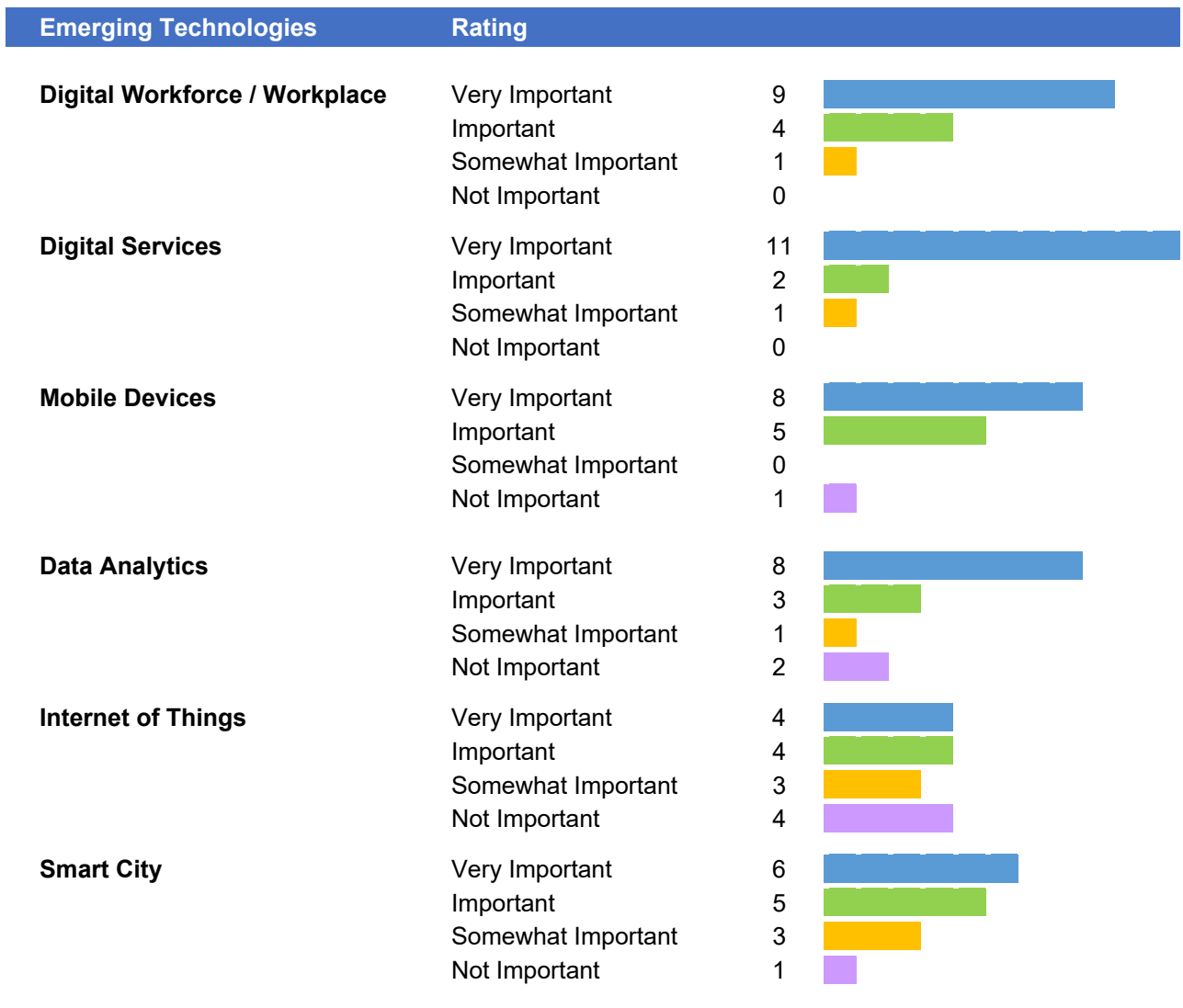




The most significant management technology challenges facing management entail Systems Integration, GIS, Trakit, Enterprise Content Management, and staff levels.

The following provides a summary of responses provided by the City's management team with regard to how important emerging technologies are to their organization.

Figure 3.1.3: Emerging Technologies



The two most important emerging technologies for the City's leadership team are Digital Services and Digital Workforce/Workplace. Both solutions require sufficient IT resources the City currently lacks.



The figure below provides a list of management responses for the following question: “What is your department’s level of satisfaction with the IT organization’s ability to support your department’s current or projected needs based on your perception of one or more of the following?”

Figure 3.1.4: IT Staffing, Knowledge and Resources Allocation



3.1.2 Summary of Management Interviews

The management interviews revealed the following, which generally speaking, correlates to data collected from staff and management in other project tasks.

- **Management/Operational Challenges:** Staffing was noted as the most significant challenge, including IT and non-IT staff, followed by Service Delivery/Demands. Business Process Improvement, Enterprise Content Management and Funding all rated the same after that.
- **Technology Challenges:** The top challenge relates to systems integration, followed by GIS/Trakit and Enterprise Content Management. The fifth challenge is IT staffing.
- **Emerging Technologies:** Of six technologies addressed, the top items were Digital Services and a Digital Workforce, which mirrors data collected in the Online Survey and Rapid Workflow® workshops. These were followed by the use of Mobile Devices and Data Analytics, equally.



- **Multiple choice questions:**

- **IT Staffing levels:** The most noted management perception of IT staff levels was rated 'Good' by 33.33% of the leadership team. (Given the size of the existing IT team, this is a testament to their work ethic and commitment to customer service.)
- **Technical knowledge/training:** The most noted management perception of IT staff technical knowledge and training was rated 'Very Good' by 46.15% of the leadership team, with a smaller fraction rating it as 'Excellent.'
- **Budget and resource allocation for IT:** The most noted management perception of budget and allocation of resources was rated as 'Good/Satisfactory' by 53% of the leadership team.

3.2 IT Staff Focus Group Findings

Four Focus Groups were held with IT staff to gather their input on the City's Information Technology portfolio, operations and service delivery. The following illustrates the challenges and opportunities facing the City in four key technology areas as perceived by IT staff:

- Infrastructure
- Hardware Investment & Management
- Application Software
- Sustainability & Service Delivery



Figure 3.2.1 on the next page provides a high-level overview of the four technology, operational and management areas addressed in the IT Focus Groups.

The longest Gant chart bar indicates the greatest challenge. The figure below indicates that the most significant challenges identified by IT staff are in the area of IT Service Delivery, specifically related to management challenges.

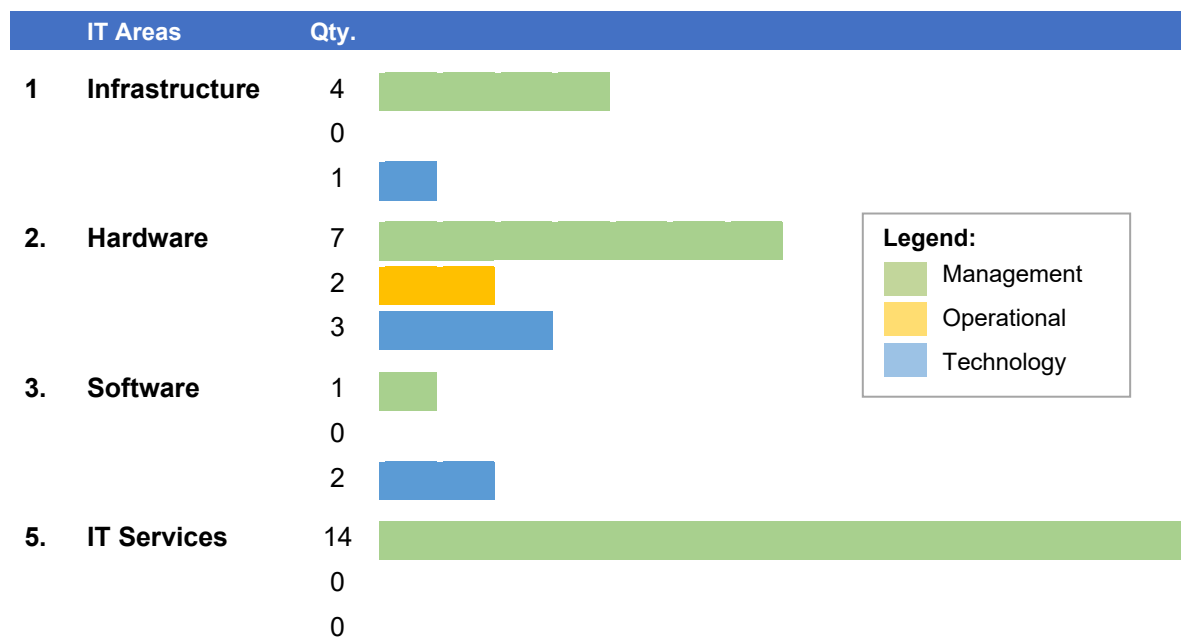
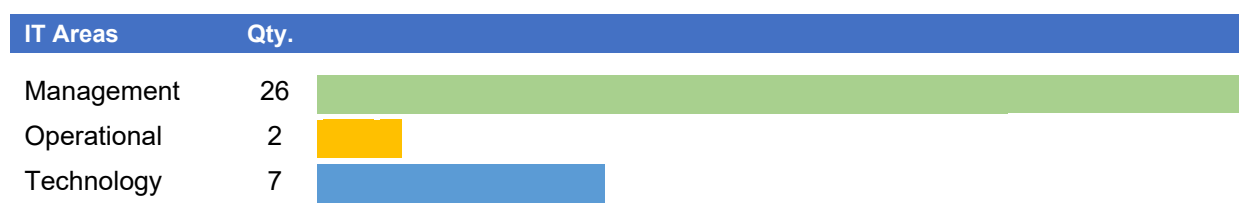
**Figure 3.2.1: Summary of IT Focus Group Problem Statements**

Figure 3.2.2 below provides an overall summary of the challenges identified by IT staff in all of the IT Focus Groups. While the compiled instances of management, operational and technology challenges are not weighted, this dashboard provides a general indicator of existing challenges.

Figure 3.2.2: Overall Summary of IT Department Challenges

The figure above indicates that the most significant challenges faced by the IT organization relate to management issues. (The detail data from the IT Focus Groups is provided in the Appendix of this document in section 5.3, IT Focus Group Data, in this document.)

This data is aligned with other findings in other phases of the project. IT organizational issues are addressed in section 3.2.2, Operational Recommendations and Section 3.2.3, Management Recommendations.



3.3 City Staff Online Survey

The data on the following pages was gathered via an online survey that allowed all City staff the opportunity to provide input on their perception of the City's Information Technologies, their needs, and the IT organization's ability to support the City's needs.

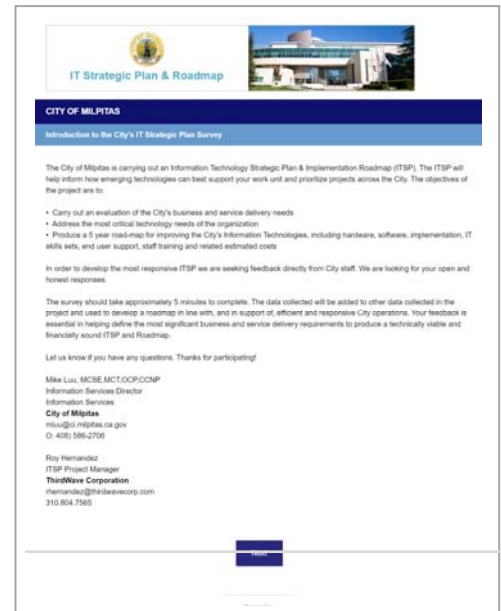
The online survey was posted from July 26 to August 5, 2019. **One-hundred and six (106)** City staff responded to the survey -- an outstanding response.

The online survey addressed the following:

- Overall condition of the City Information Systems
- The state of existing systems
- Information Technology needs
- Information Systems requiring improvement
- Services provided by Information Services
- Emerging Web Technologies

The list below provides key findings derived from the online staff survey.

- The overall condition of the City's Information technologies is perceived to be 'Good/Very Good.'
- Networks, phones, hardware and mobile devices were rated the lowest by City staff as well as the most needed.
- In the category of Enterprise Software, Enterprise Resource Planning software was rated the lowest, including Cashiering, Budgeting, Purchasing, and AP/AR applications.
- In the category of Department Software, Work Order Management software was rated both highest and the lowest. The software noted as being the most needed was Asset Management, followed by Case Management.
- In a question asking what areas of Information Systems requires the most improvement, staff responded hardware and departmental application software.
- The top-rated web technology identified by City staff for enhancing customer service (52.04% of responses) are E-Government Apps for delivering online services. Social medial platforms came in significantly lower, e.g., Nextdoor (19.5%) and Facebook (16.67%).
- When asked how important it is for the City's website to provide online services the overwhelming answer was Very Important (77.64%) and Important (20.75%), for a combined total of 93.39%.
- When asked to address challenges not specifically mentioned in the survey some notable responses included the following:





- Many comments related to staffing the IT organization.
 - *There is a lack of management support (IT); not making staffing a priority.*
 - *IT is grossly understaffed. Service delivery is challenged by this lack of bandwidth.*
 - *IT has very strong, knowledgeable team members, but they are not fully staffed. Workload has been too heavy for far too long and personnel are going to burn out. Hire immediately, restructure and balance workload before you start adding any more initiatives.*
- Document/Records Management:
 - *We need to create standards for how electronic records are saved, and we really need an electronic records system/database with OCR and search capability so we can search keywords or dates and actually have software that reads the scanned documents.*
- Web related comments:
 - *Update the website to have the vital information and forms attached for every department.*
 - *Current website is cumbersome from a user standpoint and appears virtually impossible to improve, given the tight control on who can edit.*

Figure 3.3.1: Rating of Overall Condition of Information Systems

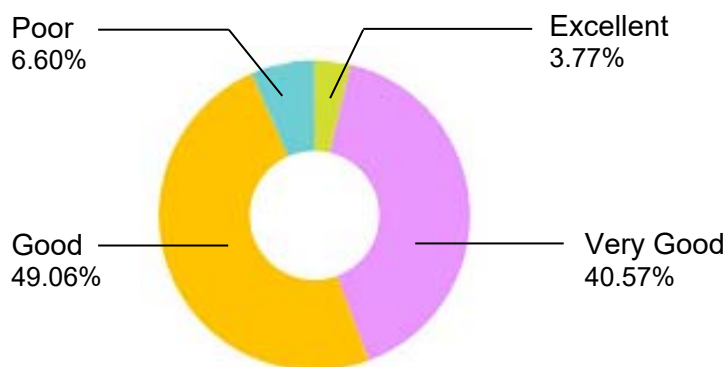
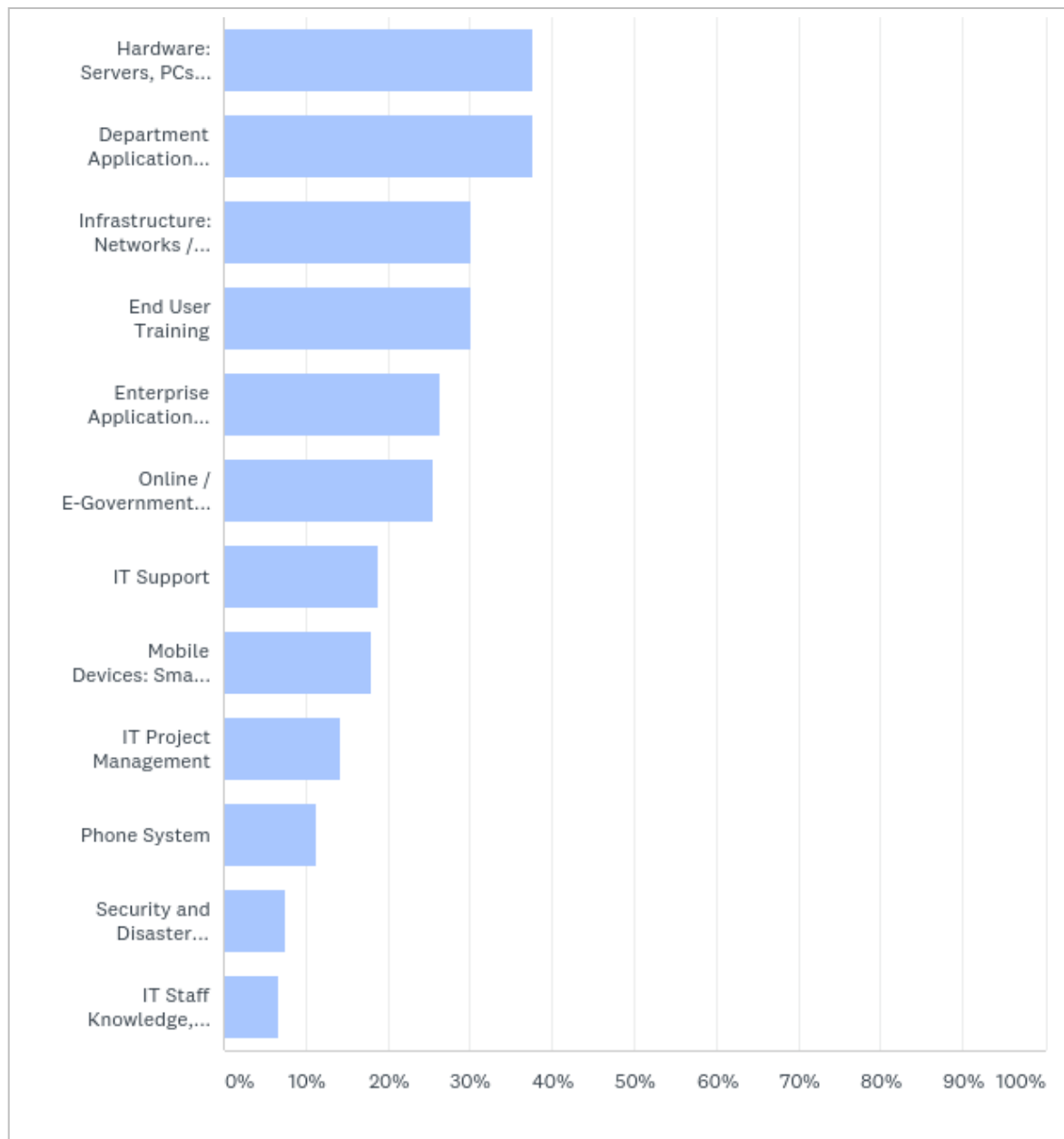




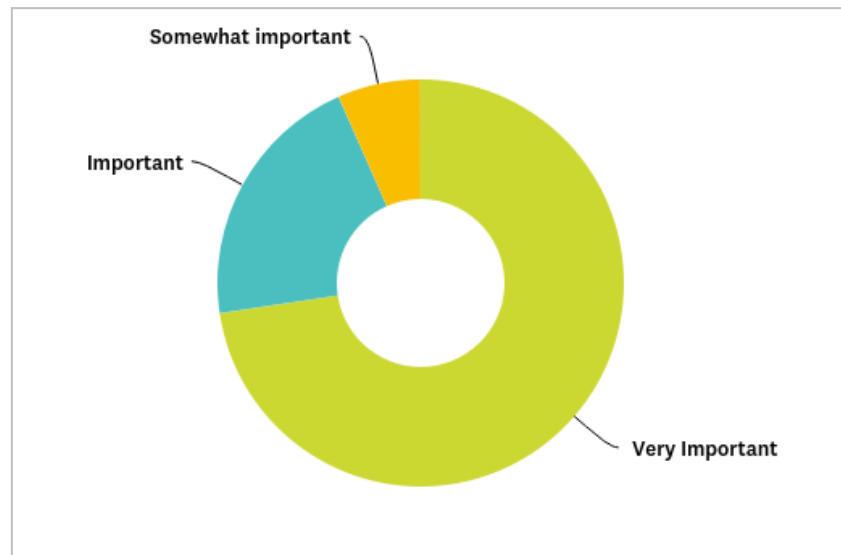
Figure 3.3.2: Staff Rating of Most Needed IT Improvements



Access to online services has become ubiquitous in everyday life, and constituents have come to expect the same from government. City staff were asked how they perceive the importance of providing online services, not just information, to the public. The graphic below illustrates their response, which is consistent with the City being located in Silicon Valley.



Figure 3.3.3: How Important is it for the City Website to Provide Online Services

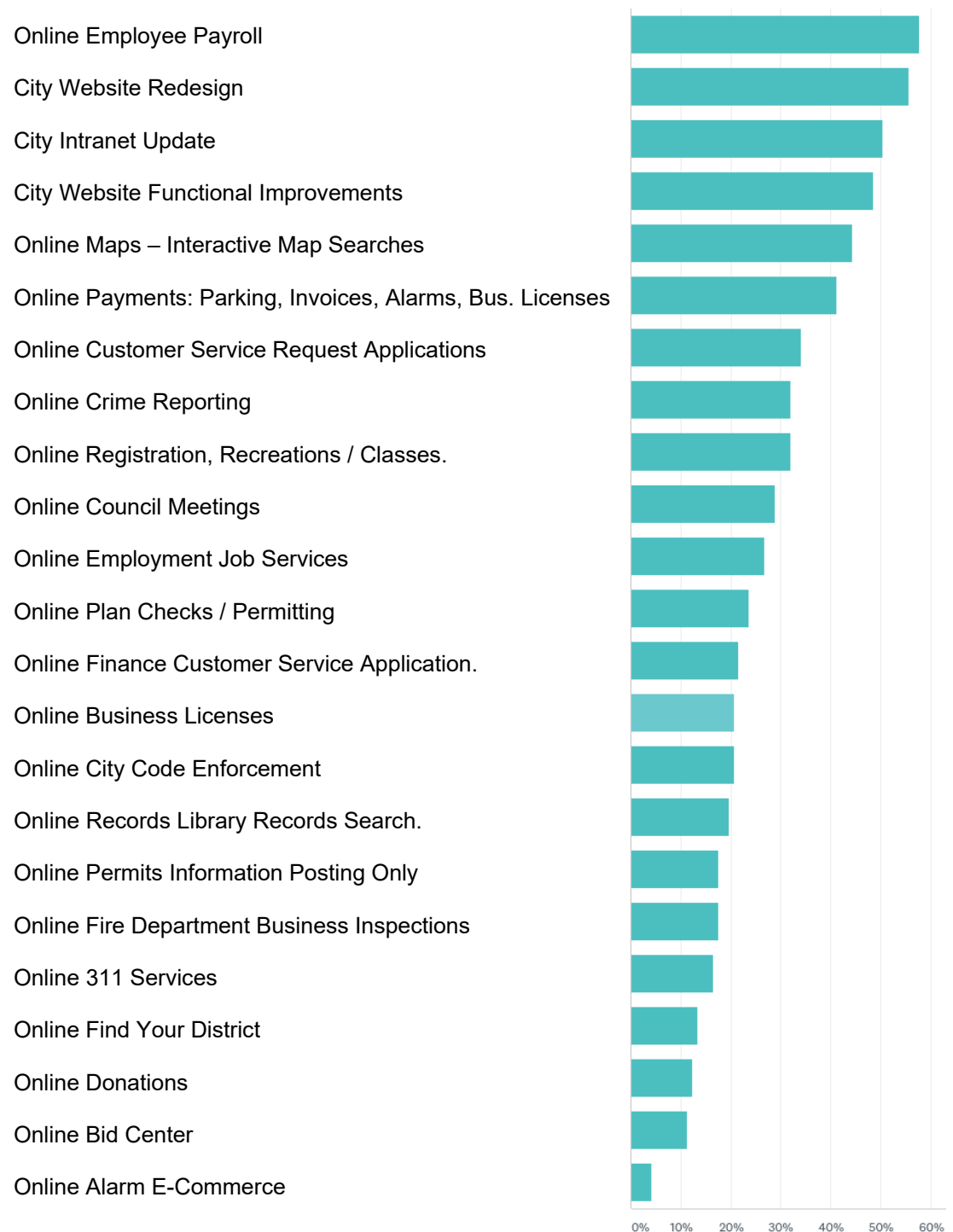


City staff were also given the opportunity to identify interactive, Smart City, and transactional online apps to enhance customer service. Any of the applications identified by City staff would serve to enhance customer services, improve the customer experience, streamline internal operation and reduce costs. It bears noting that, generally speaking, the list generated by City staff is representative of the state-of-the-practice for progressive cities who are leveraging emerging technologies.

Figure 2.2.3 on the following page illustrates staff responses.



Figure 3.3.4: What on-line (interactive) or Smart City (online/transactional) service delivery application(s) would you like to see the City implement to improve customer service?





3.4 Leading Technology Initiatives

The ITSP Roadmap project identified numerous Information Technology initiatives related to infrastructure, hardware, software solutions and IT Operations. The figures on the following pages provide a matrix of all management, operational and technology initiatives identified in the project. It bears noting that the initiatives identified in the figures starting with Figure 3.4.2 are for reference purposes. The reader can see the detailed information provided by end users by referencing the source of the initiative, e.g., Rapid Workflow® process maps, IT Focus Group or Management Interview, indicated with the square symbols.

The final list of initiatives is prioritized in *Volume 2: ITSP Roadmap*.

Figure 3.4.1: Enterprise Initiative Matrix

| | | | Software Departmental | | | | | | | | Software Enterprise | | | | | | | | | |
|-----|----------------|----------------------|-----------------------|----|----|----|----|----|----|----|---------------------|--|--|--|--|--|----|----|----|----|
| No. | Rapid Workflow | Business Process | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | | | | | | | 19 | 20 | 21 | 22 |
| 1 | Public Works | Facilities Managemnt | | | | | | | | | | | | | | | | | | |
| 2 | City Clerk | Agenda Management | | | | | | | | | | | | | | | | | | |

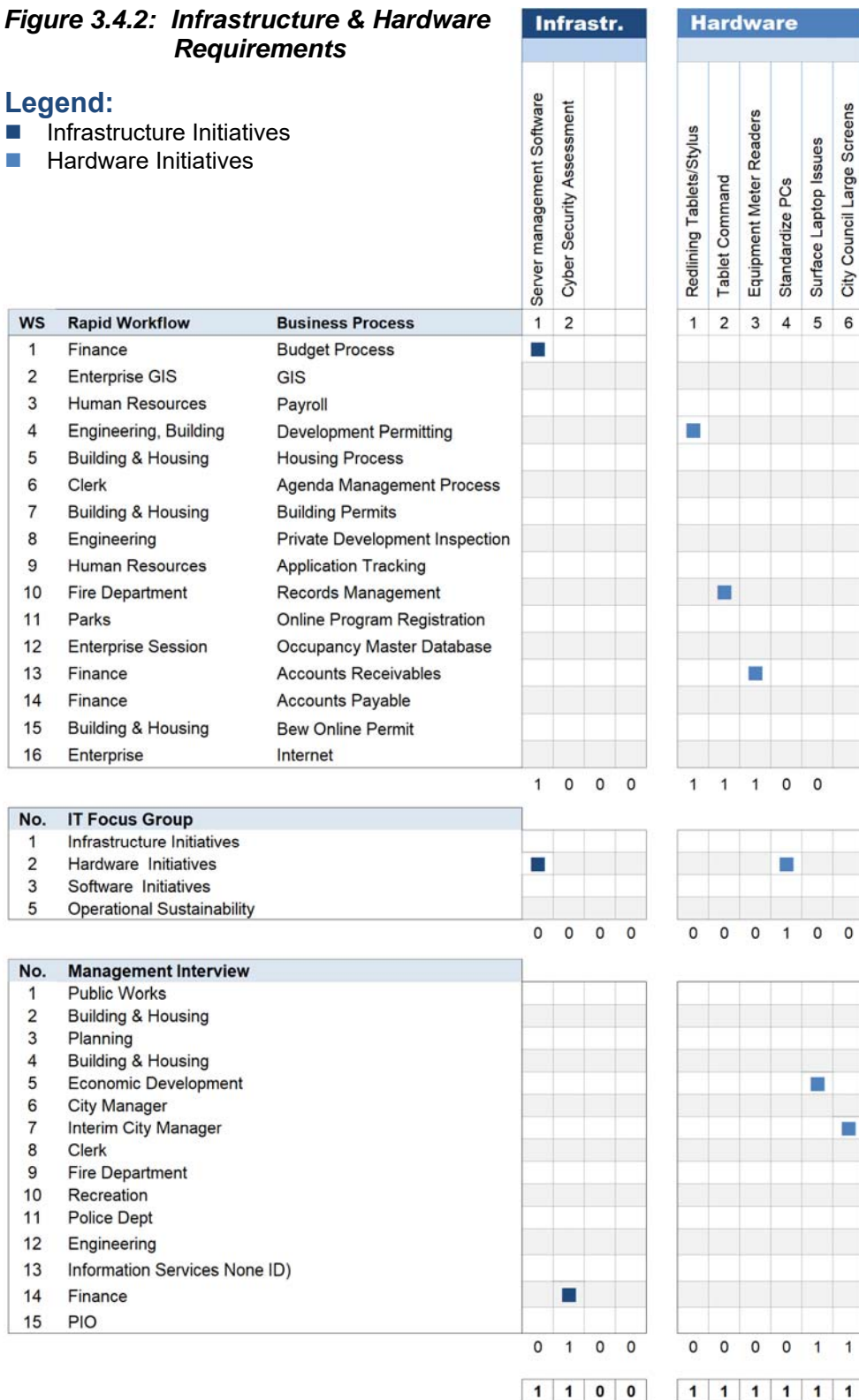
How to read the matrices:

The enterprise initiative matrix provides a list of Rapid Workflow® process workshops, IT Focus Groups and Management Interview requirements on the left column. Each square symbol in each row indicates an initiative identified in that requirements definition task. Technology, Operational and Management initiatives are denoted above with vertical text. In the sample illustration above, the first initiative for the Public Works Facilities Management workshop is Enterprise Content Management; the second initiative is Enterprise Records Management, and so on.

Written descriptions for each ITSP initiative are provided in Section 4 of this document, ITSP Roadmap Recommendations. The figures on the following pages (Figures 3.4.2 through 3.4.7) illustrate where each initiative was identified in the ITSP Roadmap project. This is important for traceability purposes; in future years of the ITSP implementation, City staff will be able to reference where recommendations came from.

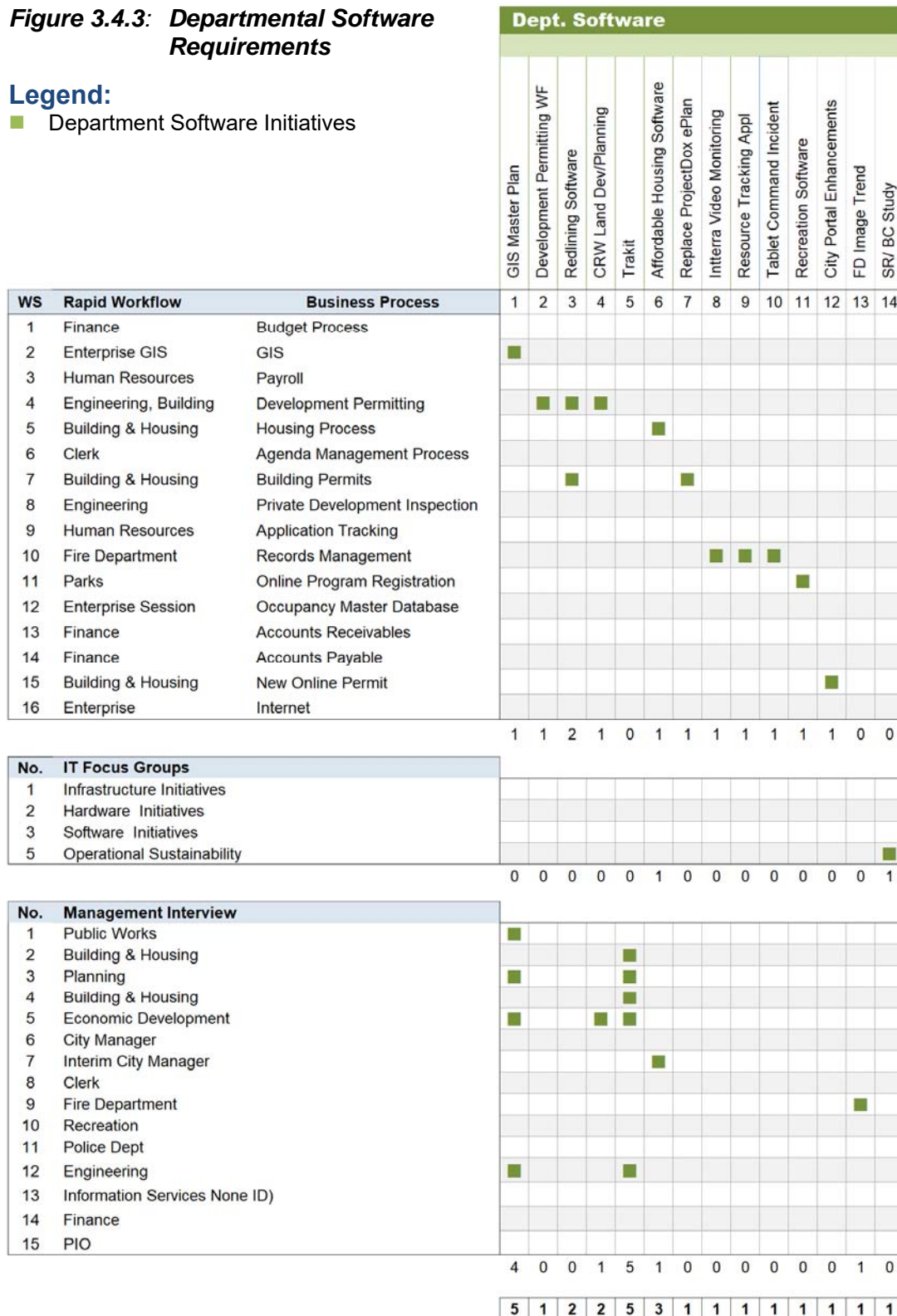
**Figure 3.4.2: Infrastructure & Hardware Requirements****Legend:**

- Infrastructure Initiatives
- Hardware Initiatives



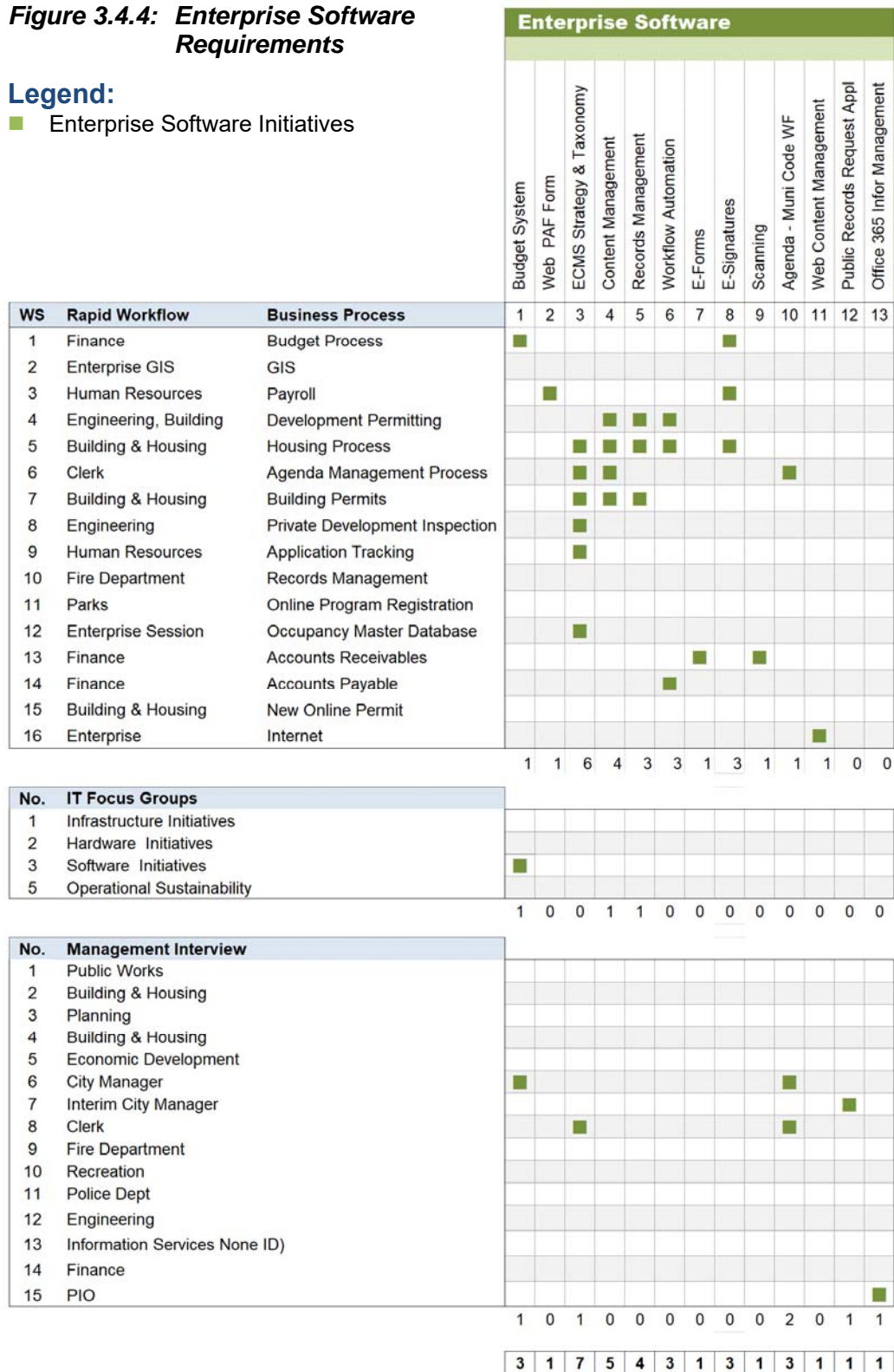
**Figure 3.4.3: Departmental Software Requirements****Legend:**

■ Department Software Initiatives



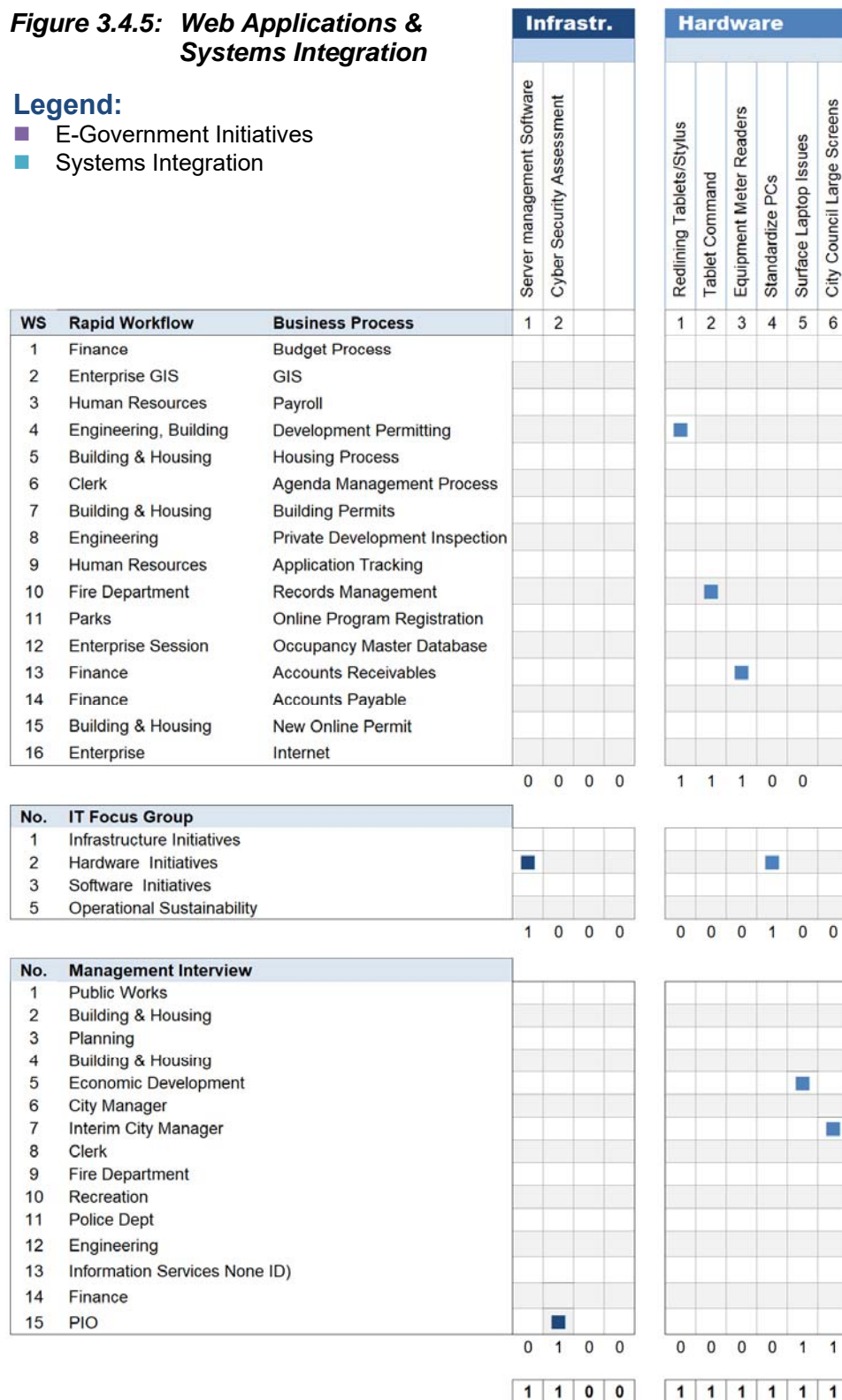
**Figure 3.4.4: Enterprise Software Requirements****Legend:**

■ Enterprise Software Initiatives



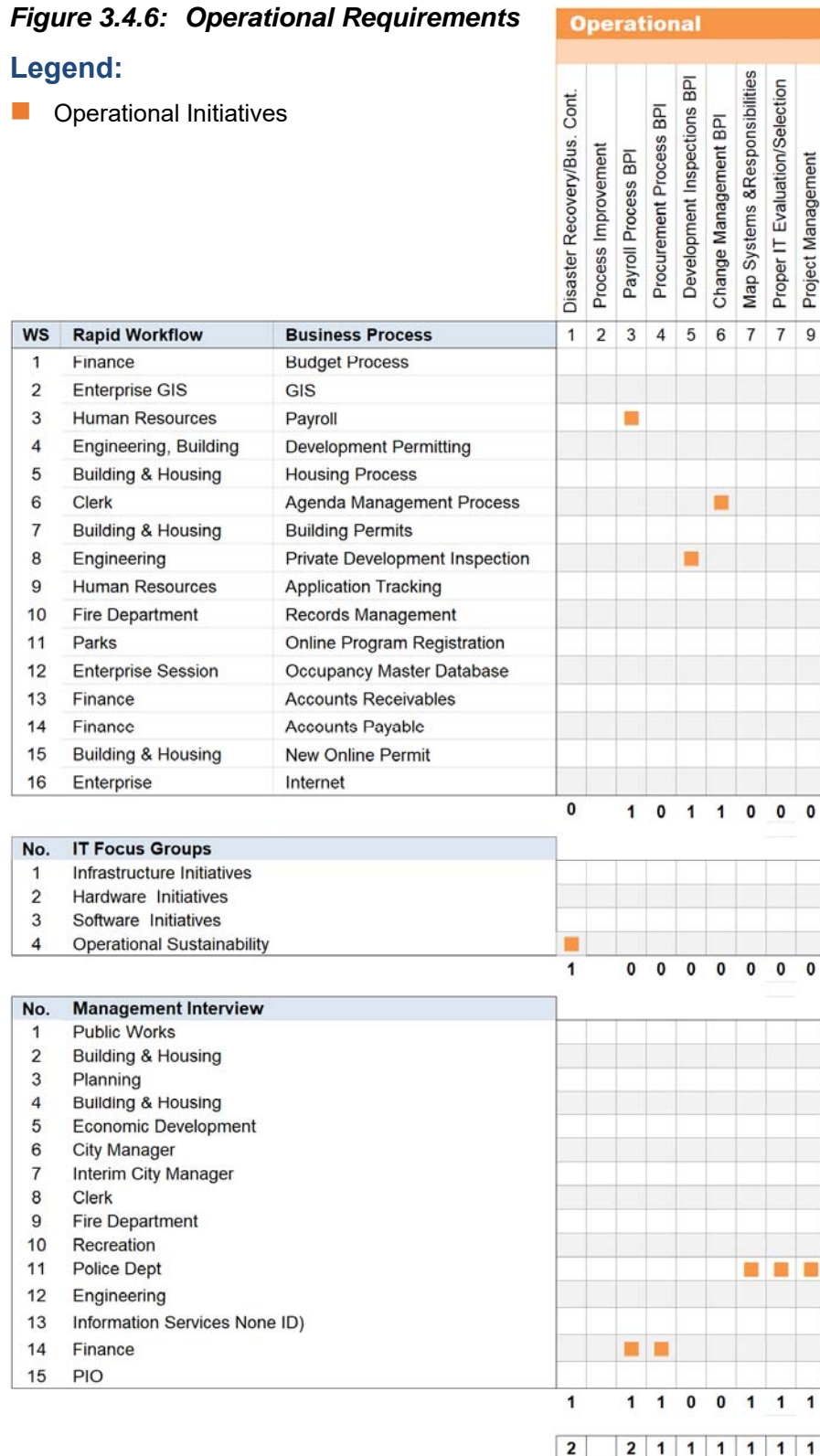
**Figure 3.4.5: Web Applications & Systems Integration****Legend:**

- E-Government Initiatives
- Systems Integration



**Figure 3.4.6: Operational Requirements****Legend:**

■ Operational Initiatives





3.5 ITSP Initiatives

The figure below provides a list of technology initiatives identified in the ITSP project Enterprise Initiative Matrix[®] shown in the previous pages. Some similar items have been combined.

The initiatives below are grouped by type of technology, then sorted in descending order in terms of how many times they were identified in the course of the project (for general information purposes). However, the initiatives below are not prioritized; initiatives are prioritized in the companion document to this report, the *ITSP Volume 2: the ITSP Roadmap*.

It bears noting that some of the following initiatives have been addressed since the date they were originally identified in Management Interviews, Rapid Workflow[®] workshops or the Online End User Survey. (The final ITSP initiatives are identified in Volume II, Roadmap.)

Figure 3.5.1: ITSP Technology Initiatives (Not Prioritized)

| | INF | Infrastructure | Times Mentioned |
|-----|--------|---|-----------------|
| 1. | INF 1 | Server Management Software..... | 1 |
| 2. | INF 2 | Cyber Security Assessment | 1 |
| | HW | Hardware: Servers, Workstations, Peripherals | Times Mentioned |
| 3. | HW 1 | Redlining Tablets/Stylus..... | 1 |
| 4. | HW 2 | Tablet Command | 1 |
| 5. | HW 3 | Equipment Meter Readers | 1 |
| 6. | HW 4 | Standardize PCs | 1 |
| 7. | HW 5 | Surface Laptops | 1 |
| 8. | HW 6 | City Council Large Screens..... | 1 |
| | DSW | Software: Departmental | Times Mentioned |
| 9. | DSW 1 | GIS Master Plan | 5 |
| 10. | DSW 5 | Trakit..... | 5 |
| 11. | DSW 6 | Affordable Housing Software..... | 3 |
| 12. | DSW 3 | Redlining Software | 2 |
| 13. | DSW 4 | CRW Land Dev/Planning | 2 |
| 14. | DSW 2 | Development Permitting WF | 1 |
| 15. | DSW 7 | Replace ProjectDox..... | 1 |
| 16. | DSW 8 | Intterra | 1 |
| 17. | DSW 9 | Resource Tracking Application..... | 1 |
| 18. | DSW 10 | Tablet Command Incident | 1 |
| 19. | DSW 11 | Recreation Software | 1 |
| 20. | DSW 12 | City Portal Enhancements..... | 1 |
| 21. | DSW 13 | FD Image Trend | 1 |
| 22. | DSW 14 | Disaster Recovery/Business Continuity Study | 1 |

**Figure 3.5.1: ITSP Technology Initiatives (Not Prioritized) continued**

| ESW | | Software: Enterprise | Times Mentioned |
|-----|---------|--|-----------------|
| 23. | ESW 1 | Enterprise Content Management | |
| 24. | ESW 1.1 | Strategy & Taxonomy | 7 |
| 25. | ESW 1.2 | Content Management | 5 |
| 26. | ESW 1.3 | Records Management | 4 |
| 27. | ESW 1.4 | Workflow Automation..... | 3 |
| 28. | ESW 2 | Budget System | 3 |
| 29. | ESW 3 | Agenda - Muni Code WF | 3 |
| 30. | ESW 4 | Web PAF (Personnel Action Form) | 1 |
| 31. | ESW 5 | Scanning..... | 1 |
| 32. | ESW 6 | E-Forms..... | 1 |
| 33. | ESW 7 | E-Signatures..... | 1 |
| 34. | ESW 8 | Web Content Management | 1 |
| 35. | ESW 9 | Public Records Request Application | 1 |
| 36. | ESW 10 | Office 365 Infor Management..... | 1 |
| WEB | | Web Applications | Times Mentioned |
| 37. | W 1 | City Website Redesign | 4 |
| INT | | Integration | Times Mentioned |
| 38. | INT 1 | Telestaff & Cayenta | 2 |
| 39. | INT 2 | Budget & Cayenta AP..... | 1 |
| 40. | INT 3 | Budget & Cayenta HR Payroll | 1 |
| 41. | INT 4 | GIS & Cayenta..... | 1 |
| 42. | INT 5 | CRW Trakit & ProjectDox | 1 |
| 43. | INT 6 | CRW Trakit & Cayenta | 1 |
| 44. | INT 7 | CRW Trakit & ECMS | 1 |
| 45. | INT 8 | Interoperability Assessment | 1 |
| 46. | INT 9 | NeoGov & Other Systems | 1 |

Figure 3.5.2: ITSP Operational Findings (Not Prioritized)

| O | | Operational | Times Mentioned |
|-----|-------|--|-----------------|
| 47. | O 1 | Disaster Recovery/Business Continuity Plans (DR/BC Plans)..... | 1 |
| 48. | O 2 | Process Improvement | |
| 49. | O 2.1 | Payroll Process BPI..... | 2 |
| 50. | O 2.2 | Procurement Process BPI | 1 |
| 51. | O 2.3 | Development Inspections BPI | 1 |
| 52. | O 2.4 | Change Management BPI | 1 |
| 53. | O 3 | Map Systems & Responsibilities | 1 |
| 54. | O 4 | Proper System Vetting..... | 1 |
| 55. | O 5 | Project Management | 1 |

**Figure 3.5.3: ITSP Management Findings (Not Prioritized)**

| | M | Management | Times Mentioned |
|-----|------------|--|------------------------|
| | M 1 | Management | |
| 56. | M 1.1 | IT Governance | 9 |
| 57. | M 1.2 | Increased Signature Authority | 1 |
| 58. | M 1.3 | 80-90% Aggregate Cost Model | 1 |
| | M 2 | IT Staffing | |
| 59. | M 2.1 | GIS Application Specialist | 5 |
| 60. | M 2.2 | GIS DBA | 2 |
| 61. | M 2.3 | Business Analyst | 2 |
| 62. | M 2.4 | Application Specialist..... | 2 |
| 63. | M 2.5 | Help Desk Customer Service Manager | 2 |
| 64. | M 2.6 | Desktop Technicians | 2 |
| 65. | M 2.7 | System Analyst | 1 |
| 66. | M 2.8 | Public Safety Data Com | 1 |
| | M 3 | Training | |
| 67. | M 3.1 | GIS Training | 2 |
| 68. | M 3.2 | Web Extender | 1 |
| 69. | M 3.3 | Project Management | 1 |
| 70. | M 3.4 | Cisco..... | 1 |
| 71. | M 3.5 | Report Writing SSRS | 1 |
| 72. | M 3.6 | Crystal | 1 |
| 73. | M 3.7 | Web Content Management | 1 |
| | M 4 | Policies | |
| 74. | M 4.1 | Mobile Device Management..... | 2 |
| 75. | M 4.2 | Timesheet SOPs | 1 |
| 76. | M 4.3 | Onboarding | 1 |



Section 4 ITSP Roadmap Recommendations



4.1 Introduction to ITSP Roadmap Recommendations

The following pages provide the findings and recommendations for the ITSP Roadmap, reflecting the City's input, IT industry best practices and ThirdWave's 32 years of experience in this arena. This section of the ITSP includes a description of technology initiatives informed in all phases of the project.

It is important to note **that not all solutions identified** in section 3.5, ITSP Initiatives, will be included in *Volume II ITSP Roadmap*. The figures noted above captured solutions discussed in various discovery/requirements activities.



The fact that a solution was mentioned by City staff in a requirements definition task does not automatically constitute a recommended technology, primarily because there may be insufficient information and/or justification to warrant its recommendation.

The following ITSP Roadmap initiatives do not include those that lacked a compelling business case or sufficient justification. Therefore, there is not a one-to-one relationship with items in the figures listed above and recommended solutions in the following pages. Moreover, some related initiatives were consolidated. The City can use this document as a reference document over the next five years to revisit where solutions were identified in the course of the ITSP project, and by whom.



4.2 Information Technology Strategy Roadmap Initiatives

This section provides an overall view of IT solutions identified in various tasks of the ITSP project including infrastructure, hardware, software and integration initiatives.

4.2.1 Technology Recommendations

The following technology recommendations synthesize staff input and industry best practices, as appropriate, for the City of Milpitas' unique business, organizational and technological environment.

For traceability purposes, initiatives are coded with a number in brackets []. This indicates the number of the Management Interview, IT Focus Group or Rapid Workflow® workshop where the requirement was identified and articulated. In some cases, initiatives were identified in one or more requirements definition tasks.



Traceability Legend:

| | |
|----------|--------------------------|
| [MI x] | Management Interview |
| [ITFG x] | IT Focus Group |
| [RW x] | Rapid Workflow® Workshop |

INF Infrastructure

The ITSP Roadmap project assessed various infrastructure, networking and communications technologies. (Various IT operational opportunities were also assessed as part of the project.) Findings and recommendations on infrastructure opportunities are provided below.

INF 1 Server Management Software [ITFG 3]

Findings:

The Hardware IT Focus Groups revealed that the IT organization lacks a centralized server management system, which results in staff time having to individually manage each server.

Recommendations:

Procure centralized server management software.

Benefits:

- Significant staff time savings
- Increased reliability
- Improved standardization

**INF 2 Cyber Security Assessment [MI 15]****Findings:**

The City Manager's Office/Public Information Officer revealed that unlike other Silicon Valley cities, e.g., the City of Santa Clara who has a whole cyber security task force, the City of Milpitas lacks a focus on cyber security. (City executives are not familiar with it, if one exists.) There is difficulty keeping things up to date.

Recommendations:

- Carry out a Cybersecurity Assessment by a qualified organization
- Have a cyber security assessment done by the National Cyber Security Assessment Technical Services, offered by the Office of Homeland Security at no cost to municipalities

Benefits:

- Ensure the security of City Information Systems
- Mitigate the malware attacks that have recently impacted other cities

HW Hardware: Servers, Desktops, Mobile Devices, Peripherals**HW 1 Redlining Tablets/Stylus [RW 4]****Findings:**

The Engineering, Building, Development Permitting Rapid Workflow® workshop revealed that departments involved in this process prefer, and use, different document media: electronic and/or hardcopy. This results in lengthening the process time for Planners.

Recommendations:

- Adopt the use of contemporary redlining software with drawing graphics tablet and stylus
- Related technology solutions include the adoption of centralized Enterprise Content Management System utilizing an enterprise taxonomy to store and easily find documents

Benefits:

- Faster, streamlined permit processing
- Reduced staff frustration
- Easier and faster access to documents/records used in the process
- Peace of mind that you're using the right, final document

HW 2 Tablet Command [RW 10]**Findings:**

The Fire Department Records Management Rapid Workflow® workshop revealed that there is inefficient resource tracking at emergency incidents. This results in potentially unsafe resource placement on an emergency incident. Additionally, the current hardcopy worksheet does not necessarily display accurate actions in the post incident narrative.

Recommendations:

Adopt the Tablet Command (equal or better) and Intterra (equal or better), GIS program that allows resource tracking.



Benefits:

Improved ground safety and operations

HW 3 Equipment Meter Readers [RW 13]

Findings:

The Finance Accounts Receivable/Utility Billing, Meter Repairs, Cashiering Rapid Workflow® workshop revealed the following challenges with this process:

Meter Sets

1. GIS IT is asked to produce a Meter Layer, but is only provided Meter Numbers not locations, which results in:
 - Meter sets are unable to produce an accurate map of meters
 - Meters are unable to locate meters installation locations
 - Meter repair staff are unable to locate meter repair location
 - Calls are made to the Inspectors to help locate meters and may have to meet with them
 - Inefficient use of staff time
2. Completed Set Sheet paperwork is not returned on time. Sometimes, it takes a year from the Developer and Engineering Inspectors, which results in:
 - Billing delays
 - Customers have a higher bill
 - Creates customer issues
 - Lost revenue
 - If the meter is reading inaccurately, those costs are not recovered until the meter is replaced
3. Inaccurate information in the Meter Set Sheet, which may have originated from Land Development, e.g., size of pipe or service, which results in delays entering meters into Cayenta, which causes billing delays.

Recommendations:

- Adopt equipment meter readers with GPS (Trimble) devices
- Have equipment meter readers provide the GPS location reading to GIS IT
- Explore making the Completed Set Sheet an electronic form, with data validation on the Completed Set Sheet
- Revisit the process and existing policy

Benefits:

- Ability to produce accurate asset information
- Will benefit various departments in the City as well as improve customer services
- Increased efficiency
- Improved customer service
- Increased revenue

Meter Repairs

1. GIS IT is asked to produce a Meter layer, but is only provided Meter Numbers not locations, which results in:
 - Unable to produce an accurate map of meters.
 - Meters are unable to locate meters installation locations.
 - Meter repair staff are unable to locate meter repair location.



- Calls made to the Inspectors to help locate meters and may have to meet with them.
 - Inefficient use of staff time.
2. There is a duplication of effort by processing the meter sheet and scanning, while Public Works is doing the same thing. This results in inefficient use of staff time and redundant documents and storage.
 3. Do not have Service Level Agreements between Public Works and Finance, which results in delays getting meters repaired in a timely fashion.
 4. Paperwork is not returned in a timely manner, which results in:
 - Billing delays
 - Customers have a higher bill
 - Creates customer issues
 - Lost revenue
 - If the meter is reading inaccurately, those costs are not recovered until the meter is replaced
 5. Inaccurate information in the Meter Repair Request, which results in delays entering meters into Cayenta, which causes a billing delay.

Recommendations:

- Have equipment meter readers with GPS (Trimble) devices
- Have equipment meter readers provide the GPS location reading to GIS IT
- Explore making the Completed Set Sheet in electronic form
- Change the process to do it once in Lucity
- Submit the request through My Milpitas App (Lucity is currently being tested. It should be rolled out in two months)
- Need to review and articulate a business case identifying a realist timeline
- Revisit the process and existing policy
- Have Utilities verify the detail information at the end

Benefits:

- Improved ability to produce accurate asset information
- Benefit various departments in the City as well as improve customer services
- Staff time savings
- Improved efficiencies
- Eliminate redundant document and storage
- Improved customer services
- Increased revenue

HW 4 Standardize PCs [ITFG 2]

Findings:

The Hardware IT Focus Group reveled that there is a lack of standardization due to a lack of an enforceable standard. Some of this is the result of what end users are used to using, or specific technical requirements, i.e. battery life. Most management get laptops. There is a lack of governance and the “freewheeling” selection of software. The City currently uses the



following computers: HP, Lenovo and MS Surface Tablets. This results in a lack of a consistent deployment model.

Recommendations:

- Adopt a governance process and more standardization
- Adopt standards the identify the City's standard set of hardware solutions

Benefits:

- Enhanced ability for IT staff to support laptops.

HW 5 Surface Laptop, Tablets, Smart Phones [MI 5, ITFG 3]**Findings:**

The Management Interviews revealed that some management staff with Surface laptops do not have the ability to access emails and have battery issues, e.g., must plug in the laptop to turn on even though the battery is charged 100%. They only have access to email at desktop PCs.

The Hardware IT Focus Group revealed there are a number of challenges related to mobile devices:

- There has been no governance on who should get a mobile device.
- There has been no concerted effort for decision making, across the organization.
- There is no commitment to centralized management of mobile devices.

The foregoing results in increased costs and the IT staff having to maintain a large variety of devices in the field.

Recommendations:

- Establish a standard, tested Surface configuration and provide to all management
- Adopt a governance process for a mobile device strategy, basic, smart phone, or tablets
- Determine who should get a device

Benefits:

- Management would have useful and productive tools
- Simplified mobile device management
- Lower mobile device costs

HW 6 Large Screens TVs [MI 7]**Findings:**

The Management Interview with the Interim City Manager revealed a need for large flat screens in a number of public areas and conference rooms. For instance, the Council Chamber has one, gigantic screen and each member has a fixed screen, which are somewhat outdated technologies. This results in presenting an outdate image to the public and inhibits a positive public experience.

Recommendations:

- Install two very large flat screen TVs in the Council Chambers
- Install monitors for each Council Member, with a docking station for their laptop computers



- Explore installing large screens where customers in the waiting area showing information about the City
- Install three (3) new flat screen TVs in City Hall conference rooms

Benefits:

- Better presentation of information to the community
- Improved ability for Council to use their laptops during Council meetings
- Enhanced communication/marketing of the City to the public
- Improved ability for the City leadership team to meet in the City Hall conference rooms

INF 7 Peripherals [ITFG 3]

Findings:

The Hardware IT Focus Group revealed there are a number of challenges related to printers:

- The City has numerous printers and multi-function device models
- There is no review process to determine if printers are actually needed, there is no business needs assessments
- Have more printers per person than other comparable municipal organizations
- Do things because they have always been done that way
- Peripheral support is provided in a number of ways:
 - Day to day maintenance issues are supported by the Help Desk
 - Contracted support for leased devices, which is not centralized
 - Printers are purchased: large LFDs are leased, and the PD leases their own devices

The foregoing results in:

- Devices have their own requirements
- Devices have to be reconfigured, e.g., when changing email, it is a huge task
- Each device has to be custom configured
- Underutilizing devices and their functionality, they are used for basic functions
- Cannot fully maintain the devices and IT staff do not know where all of the devices are
- Device names and IP Address lists are not correlated

Recommendations:

- Carry out a printer utilization study to determine the optimum number of printers for each department.

Benefits:

- Cost savings
- Staff time savings for IT support staff

**D SW Software: Departmental**

Departmental software are applications meeting specific or unique internal department functionality. For instance, a Library would be the only department at the City requiring a Library Management System. Some organizations tend to have a decentralized approach to the procurement and deployment of departmental application software, which is often predicated by the budget process. The lack of an enterprise approach typically results in disparate departmental Information Systems, and/or various home grown, stand-alone “shadow” systems that are usually undocumented, unsupported, one-off applications.

The following departmental applications were identified in the course of the project; their selection and implementation should all go through an IT Governance process consisting of detailed business, technical and functional specifications development, solicitation process, and vetting to evaluate and procure the most responsive and cost-effective solutions.

D SW 1 GIS Master Plan [RW 2, MI 1, 3]**Findings:**

GIS is used by all major departments at the City. As is typical with most municipalities, GIS is a critical data driven system with the potential to benefit both City and constituents. Generally speaking, the progress of the City’s GIS system is hindered. If it were not for the extraordinary efforts of the IT GIS Manager, the use and leveraging of GIS at the City would be in peril. Moreover, GIS efforts at the City are fragmented and uncoordinated.

- The Public Works Management Interviews revealed that the City is currently implementing systems with relationships to GIS, e.g., CMMS (Lucity), SeeClickFix and WinCam for inspections. All of the above are GIS-centric, yet the City does not have a team of GIS experts. Public works has one Staff Assistant who updates GIS information, but do not have GIS for Facilities, Parks, or Streets. Public Works relies on the IT GIS Manager; one person is supporting the entire City – a substantial exposure if for some reason this person became unavailable or were to leave the City.
- The Planning Management Interviews revealed that the Planning Director was asked to map City assets, property, and easements. The direction was to proceed with a GIS contract with ESRI, but it was not pursued after all.
- The Engineering Management Interviews revealed that the GIS system is not working well. Updating the GIS with as-built records of street improvements is challenging. The department found 15 sets of maps and have hired a contractor to update the GIS system. The Department just obtained a GIS Technician to update the GIS. In the past, prior to the major layoff in 2012, IT staff would do some of this work.
- The Enterprise GIS Rapid Workflow® workshop with several departments (e.g., Public Works, Planning, Police Dept., Fire Dept., Finance, Recreation and Information Services) revealed that a variety of spatial software is used at various levels throughout the City, as shown in Figure DSW 1.1, Current GIS Spatial Software Used at the City, on the following page.

**Figure DSW 1.1: Current GIS Spatial Software Used at the City**

| | | GIS Software | | | | | | | | | |
|-------------|---------------------------------|--------------|-------------|----------------|------------|------------------|----------------------|----------------------|-------------------|----------|-------------|
| Departments | | Esri Arc Map | Esri ArcPro | Arc GIS Online | Arc Server | Esri Bus Analyst | Esri Network Analyst | Intergraph Geo Media | Auto Desk AutoCAD | Encompas | Google Maps |
| 1 | Building and Safety | | | | | | | | | ■ | ■ |
| 2 | City Attorney | | | | | | | | | | |
| 3 | City Clerk | | | | | | | | | | |
| 4 | City Manager | | | | | | | | | | ■ |
| 5 | Economic Development | ■ | | ■ | | ■ | | | | ■ | ■ |
| 6 | Engineering | ■ | | ■ | | | | | ■ | ■ | |
| 7 | Finance | ■ | | | | | | | | ■ | |
| 8 | Fire | ■ | | ■ | | | | | | ■ | ■ |
| 9 | Human Resources | | | | | | | | | | |
| 10 | Information Technology | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| 11 | Planning | ■ | ■ | ■ | | ■ | ■ | | | ■ | ■ |
| 12 | Police | ■ | ■ | ■ | ■ | | ■ | | | ■ | ■ |
| 13 | Public Works | | | ■ | | | | | ■ | ■ | |
| 14 | Recreation & Community Services | | | | | | | | | ■ | ■ |

The figure on the following page, provides a list of City departments with the existing spatial data in their respective organizations, in addition to what they would like to have in the GIS system.

**Figure D SW 1.2: Current and Proposed GIS Data**

| | | GIS Data | |
|----|-----------------------------------|---|--|
| | Departments | Existing Data | Proposed |
| | Enterprise Data | | Pervious and impervious areas, sidewalks, Lidar, etc. |
| 1 | Building and Safety | Building Outlines, Foundation Types, Addresses, Below Market Rates, Inventory | More interaction between permitting and GIS |
| 2 | City Attorney | | |
| 3 | City Clerk | | |
| 4 | City Manager | | |
| 5 | Economic Development | | |
| 6 | Engineering | Utility: layers, Flood Zones, Street Lights, Street Sweeping Routes, Commun. Financial Dist., Pavement Conditions, Street Signs | |
| 7 | Finance | Water Meters, Water Gateways | Meter Cycle and Route, Business License |
| 8 | Fire | Hydrants, FD Connections, Gates, Standpipes, Alarm Panels, Knox Boxes, Elevators, Stairways, Mapping layers, Response layers. | Interaction between CAD, RMS, Occupancy Data, Demographic Data, Response Data, |
| 9 | Human Resources | | |
| 10 | Information Technology | Parcels, Addresses, Apartments, Center Lines | Non-water and sewer underground utilities, communications/dry utilities, traffic signal boxes and conduit. |
| 11 | Planning | Zoning, General Plan, Child Care Facilities, Districts, Overlays | Child Care Facilities. Tools |
| 12 | Police | Beats, Response Plans, Streets, RMS/CAD Data | Tools |
| 13 | Public Works | Similar to Engineering, Roadway Landscape, Irrigation Controllers. Trees | Backflows |
| 14 | Recreation and Community Services | Park Infrastructure (physical, play structures.) | |

The following provides a summary of findings gathered in the GIS Enterprise workshop:

1. The GIS has incomplete and inaccurate building and housing data, e.g., water meters are entered into individual programs without connection, which results in losing the locations of water meters overtime.
2. There is a lack of GIS governance, IT is separate from departments in the decision-making process, which results in:
 - Acquiring the software and facilitating the implementation afterwards
 - Not having enough time for infrastructure build out



3. PD lacks the spatial analyst tools to map out crime, which results in:
 - Not providing maps the Chief wants, e.g., hot spot maps
 - Currently using an application that does not allow for manipulating data
4. Not knowing what the capabilities of GIS are by Inspectors and Plan Checkers, as well as the categories of GIS, which results in staff not using the software and underutilized GIS
5. The lack of a GIS team, e.g., GIS Application Specialist, GIS DBA and GIS Analyst, results in obtaining internal GIS resources within departments if IT cannot support GIS. This has resulted in decentralized GIS implementation with disparate efforts, which contradicts the best practice of implementing GIS as the enterprise system it is.
6. The lack of formal executive level buy-in results in:
 - Making GIS operations and support difficult
 - Lacking strategic enforcement
 - Departments not contributing because staff do not know what Directors want
7. The lack of department staff GIS training results in:
 - Staff not understanding the tools that are available and how to use them
 - The City may not be getting the ROI made into GIS software
 - Money and time spent for a person to support a department and it goes to waste
 - Underutilization of GIS software
8. The lack of standard data model results in:
 - Defaulting integrating applications
 - Making app development difficult
9. Not having data ownership defined, or not knowing who is responsible for reviewing and maintaining data integrity, e.g., meters are installed but do not get in the GIS, which results in:
 - Not having clearly assigned responsibilities
 - Things not being done
 - The 'blame game'
10. Having a large variety of tools yet lacking simplified end user tools results in:
 - The inability to have staff develop expertise on numerous applications
 - Calling IT for support, but IT staff may not be available
11. The duplication of effort in producing products to the public results in:
 - Staff time
 - Additional costs
 - Running the risk of a map/data product being wrong to the public
 - Possibly being correct in one database but wrong in another
 - Stale data may be used
12. The City has a lot of data, but it is in system silos, which results in:
 - No integration
 - Duplication of data
 - No common keys
 - No unique or precise cross referencing



- Increased risk of using stale data

13. A decentralized GIS staff model result in:

- The lack of integration across departments
- The lack of administrative oversight
- The lack of an overarching GIS strategy

Recommendations:

Technology

- Implement esri SAS Crime Analysis
- Develop front end tools, e.g., GIS Portal and Apps

Operational/Process

- Create a workflow process to keep the department programs connected
- Adopt an “Assembly line” process for information/GIS data, have staff contribute, redistribute the data entry and analysis across departments
- Articulate and adopt GIS data management role for a GIS team, with specific procedures

Management Policy

- Adopt an IT and GIS Governance process
- Develop and adopt a GIS Strategic Plan
- Resource a dedicated GIS/Spatial Data Team, GIS Application Specialist, GIS DBA and GIS Analyst
- Hire employees, rather than temporary/intern GIS staff
- New staff who will use GIS should have proven skillsets with GIS
- Hold regular/ongoing role-based GIS training for IT/Department staff using GIS
- Explore having executive management take the esri GIS Executive Training
- Decentralized SMEs taking responsibilities for GIS data, adhering to a GIS Master Plan

Benefits:

- Enhanced control of assets
- Improved ability to provide various types of maps that can't be produced now
- More accurate input of spatial data
- Better utilization of available spatial tools
- More productive staff
- Will help staff know what is happening in their departments and relaying this in the GIS
- Redistribute workload across the City to SMEs
- Higher level of expertise in a number of areas
- Cross training
- Be more responsive to department needs
- More continuity of information from app to app
- More responsive service to Council requests
- Better enforceable strategic policies
- Implemented software would actually work, instead of sitting on a shelf
- Improved centralizing, sharing and integrating data
- Enable user agnostic data, e.g., utility maintenance and traffic
- Better able to leverage spatial data, e.g., data analytics
- Cost savings, e.g., might use the data to buy fire hydrants for the City



- Much improved data validity
- Improved usability
- Improved efficiencies
- Improved access to existing spatial data
- Productive use by non-GIS staff

D SW 2 Trak-It e-Permitting [MI 2, 3, 4, 5, 12]

Findings:

The Trakit System came up repeatedly throughout the project, primarily in the management interviews. Articulating the cause of the challenges faced is beyond the scope of the ITSP project, however, the data collected is provided below.

- The Building & Housing Management Interview revealed issues related to the electronic plan review and application process. The manager noted that the process and Track-It/CRW software implemented is not user friendly and problematic. The City is reviewing other systems. The City also uses ProjectDox, which requires work arounds. The previous system is still being used and ProjectDox is used as a workaround. It was started by the previous Building Official and deployed in January 2019. (The City has met with Central Square owner of Trak-It/CRW, formerly HTE/SunGuard); Citizen Engagement & Workflow will be further assessed. According to the manager/vendor, this will help with ProjectDox.
- The Planning Department Management Interview revealed the need for a better database for tracking development projects from development to completion. According to the manager, Track-It may be able to do this, but it is not being used to its full capability.
- The Building & Housing Management Interview revealed challenges with the permit system. When she started last summer, ProjectDox was being implemented. (She was short staffed already.) ProjectDox was supposed to integrate with Track-It, which has a lot of customization, but the integration is not working. According to the manager/vendor, upgrading Track-It should help with the integration.
- The Economic Development Management Interview revealed that Trak-It needs to be a tool that all departments - Planning, Building, Land Use, Fire, Engineering - use. He relies on that system, and if everyone is not using it, it limits the its usability.
- The Building Department, Engineering Management Interview revealed that Trak-It was implemented for the Building Dept and how they do their business. It was not designed for Engineering. (The Manager noted that there might be additional modules.) For instance, scheduling inspections. They do them every day, different types. This does not work with their scheduling. IT came up with a system they found online and have found another system they are looking into.
- The Engineering Building & Planning: Development Review Rapid Workflow® workshop revealed that CRW Trak-It was not built out for all departments, it was installed for Building and other departments. This has resulted in Building & Planning not being trained on the functionality of the software.
- The Building Housing - Building Permit Rapid Workflow® workshop revealed that CRW/Trak-It was not built out for all departments.

Without the benefit of a detailed system assessment of Trak-It and ProjectDox, in ThirdWave's experience, the selection and implementation of these systems reflect the absence of best practices in detailed functional and technical requirements definition, system vetting/selection,



and enterprise implementation planning. For instance, the management team mentioned unfriendly processes and software, work arounds, ProjectDox was supposed to replace Trak-It but now the two systems are being interfaced, that the system did not address the requirements of all departments that would need to use the system in cross-functional business processes. More recently, meetings with the vendors have promised solutions while at the same time new application software is being considered.

Recommendations:

- Pause the procurement of software until a detailed functional and technical requirements specification is developed for all end users. (After a year of implementation, the piece meal approach has not provided the solutions departments require.)
- The implementation specifications should address the following for all intended user of this application:
 - Future state processes (which will identify the implementation performance specification and blueprint for workflow automation),
 - Features/functions
 - Reporting requirements
 - Interface requirements
 - Data requirements
 - Data migration requirements (if applicable).
- Adopt Standard Operating Procedures that everyone uses one system
- Implement a centralized content management system, employing an enterprise taxonomy
- Adopt a standard policy for records management

Benefits:

- Faster processing
- Less frustration
- Easier and faster access to documents/records used in the process
- Peace of mind that you're using the right, final document
- Enhance efficiencies

D SW 3 Affordable Housing Software [RW 5]**Findings:**

The Building and Housing Rapid Workflow® workshop revealed the issue of affordable housing has become a critical initiative at the City of Milpitas. The workshop revealed the following:

1. The City does not have a central database of BMR inventory, which results in:
 - Inaccurate data
 - Poor optics and poor decision making
 - Wasted staff time
 - Staff frustration
2. Historical records are incomplete and hard to find, which results in:
 - Inaccurate data
 - Poor optics and poor decision making
 - Wasted staff time
 - Staff frustration



3. The Excel Waiting List is not efficient, which results in:
 - Inaccurate data
 - Poor optics and poor decision making
 - Wasted staff time
 - Staff frustration
4. Excel is used throughout the process, which results in:
 - Inefficiencies
 - Possibility to corrupt the Excel spreadsheet
 - Incorrect formulas could lead to an unqualified person being qualified or vice versa
 - Being prone to human errors
5. Vague policies related to BMR process result in the existing document not specifically documenting how the person on the waiting list should be selected, e.g., how to weigh the preferences.
6. The signature routing process is lengthy, which results in:
 - Documents being constantly delayed, or in some cases, re-written and rerouted
 - Staff frustration
 - Delayed sale process
7. There is no tracking of documents, which results in:
 - Impacts to communication
 - Not knowing where the holdup is: City Attorney, City Manager or Finance
 - Delays to the process if the document has been moved
8. There is no database for the Waiting List of applicants, or a place to pull up application and related documents (electronic and hardcopy). This results in:
 - Inaccurate data
 - Poor optics and poor decision making
 - Wasted staff time
 - Staff frustration
9. There are security and privacy concerns in storing documents on the shared drive (with SS numbers). This results in:
 - Potential for identity theft
 - Exposed confidentially
 - A privacy concern of being on a BMR list
10. Finance is not involved in the early stages, which results in difficulties in bookkeeping and audits.

Recommendations:

Implement Affordable Housing Application

This application will generally replace the use of Excel throughout, providing the following capabilities:



Features & Functions:

- Database of BMR inventory
- Historical data
- Inventory transactions
- Inventory waiting list applicants
- Applicant Data
- Preferences:
 - Veteran
 - Public or Private Displacement
 - Resident of Milpitas
 - Work in Milpitas
 - Resident of Santa Clara County
- Application Date
- Contact Information
- Address
- Income at time of Qualification
- Current Income
- Household size
- Calculations:
 - Unit Sale Price
 - Unit Resale Price
 - Calculation sheet for Income + Assets
- Finance Loan Data
 - Track balances
 - Payments
 - Terms
 - Name
 - Property Address
 - APN Number
 - Amount Number on 3rd Party Collector
- E-Signatures
- Workflow Automation:
 - Routing
 - Auto Notification
 - Auto emails
 - Escalation
 - Track Status
- Store Content
- Attachments
 - Bank statements
 - Income statements

Reports:

- BMR Inventory List
- Time Slice Transactions
- Outstanding Loan Balances
- Payment Statement by Accounts (pushed to Cayenta)
- Monthly Payment Statement for all Loans (pushed to Cayenta)
- Applicant Reports:
 - Outdated income information



- Average income
- Average household size
- Average wait time
- Income change vs HUD/HCD income standards

Interfaces:

- GIS
- Cayenta

System Requirements:

- Web enabled
- Secure
- Support mobile devices
- Support Responsive design
- SQL Server
- Ability to assign viewing/security authority

Benefits:

- Staff time savings
- Improved accuracy
- More clarity and consistency to the process and program
- Reduce disputes
- Business process improvement
- Increased accountability
- Increased privacy for resident
- Protect against identity theft
- Reduce liability to the City
- More efficient
- Would not to go back and ask questions
- Enhance tracking of the loans

D SW 4 Development Review Redlining Software [RW 4, 7]

Findings:

The Engineering Building & Planning Rapid Workflow® workshop revealed that:

1. Receiving incomplete submittals results in:
 - Longer reviews for approval
 - Frustrates the applicant and staff
2. Having approval letters with conditions that are difficult to keep track of, e.g., pay 20% TASP fees prior to temporary certificate of occupancy, results in harder to comply with approved conditions or missed steps.
3. Applicant do not agree with the interpretation of comments, which results in longer review for approval.
4. There are multiple reviewers not involved in the application process, e.g., City Manager and City Attorney, which results in:
 - Additional conditions
 - Making it harder to comply with approved conditions or missed steps



- A lack of communication
- 5. May have to ask for resubmittal. Do not know if the applicant provided everything required or if it was routed to someone else. This results in:
 - A longer review
 - Repeated comments
 - Affects the image of the City
- 6. Sometimes it is difficult to find the signed version of documents, e.g., tentative maps and documents once Planning approves. This results in:
 - Possibly using old conditions or tentative maps that Council might add conditions to, which could be missed
 - Delayed review times
 - Staff frustration
 - Potential conflicts in the documents
 - Possibly not be implementing the approved version, as opposed to the draft version
- 7. There are multiple versions of plans without proper dating/versioning. Staff are not good at getting rid of older versions. This results in wasted staff time if work is done on the wrong version.
- 8. Each department prefers a different document media: electronic or hardcopy. This results in longer to process for the planners.
- 9. CRW was not built out for all departments, which results in:
 - Deferred implementation of the software for Building and other departments when it should have been a cross functional deployment
 - Not being trained on the functionality of the software
- 10. Not all staff have access and training to web extender, where ordinances are stored. This results in:
 - Wasted time looking for required documentation
 - Frustration
- 11. Lack of content/records management systems and best practices results in:
 - Waste of money
 - Multiple applications
 - Wasted staff time if work is done on the wrong version
 - Longer to process for the planners
 - Loss of information
 - Duplicate documents and missing document
- 12. There are several document management applications, each soloed and not interfaced. This results in:
 - Waste of money
 - Multiple applications
 - Wasted staff time if work is done on the wrong version
 - Longer to process for the planners
 - Loss of information
 - Duplicate documents and missing document



Recommendations:

Technology

- Capture this in a workflow that would not let the process go forward until conditions have been met
- Explore workflow automation with all department collaboration
- Implement a centralized Enterprise Content Management System with an enterprise taxonomy
- Procure and adopt contemporary redlining software with drawing graphics tablet and stylus
- Re-implement CRW for each departments' needs: including Building, Land Development and Planning

Operations

- Make the comments more concise
- Bring the City Manager and City Attorney into the process sooner

Management Policy

- Adopt a formal policy to reject incomplete submittals
- Encourage electronic submittals
- Adopt a design review policy
- Encourage electronic submittals
- Adopt a SOP that everyone uses the system
- Policy change to include planners in the Building Permits process
- Provide training and an SOP for everyone to use
- Adopt a content/records management strategy with enterprise taxonomy
- Adopt an Enterprise content Management System, standard policies and best practices for document and records management

Benefits:

- Faster processing time
- Reduced staff frustration
- All conditions would be met
- Projects would be fully completed
- Opportunities would not be missed
- Improved communication
- More certainty for the applicant
- Time efficiencies and faster processing
- Improved customer service
- Clear knowledge of the application
- Easier and faster access to documents/records used in the process
- Peace of mind that you're using the right, final document
- Improved staff morale
- Could ask staff in other departments how to use the software, because they would be trained



D SW 5 ProjectDox ePlan [RW 7]

Findings: The Building Housing Rapid Workflow® workshop revealed:

1. A lack of integration between multiple software – ProjectDox, TrakIt, Cayenta and FileMaker, which results in Inefficiencies, delays and staff frustration.
2. Being unable to redline plans in an electronic system results in:
 - Inefficiencies
 - Delays
 - Staff frustration
 - Affects customer service
3. Incomplete submittals in both hardcopy and electronic format results in:
 - Inefficiencies
 - Delays
 - Frustration
 - Angry phone calls/emails
 - Affects customer service
4. Electronic plans are not linked to the plan location tab in TrakIt, which results in:
 - Inefficiencies
 - Delays
 - Staff frustration
5. The review process is failing as the plans are not sent to someone who needs to review them, which results in inefficiencies, delays and staff frustration.
6. WebExtender is cumbersome to use for tracking down as-builts, which results in:
 - Inefficiencies
 - Delays
 - Staff frustration
 - Affects customer service
 - Affects customer ability to find documents
7. Complex data entry in permit systems: TrakIt, ProjectDox, and FileMaker, which results in:
 - Operator mistakes
 - Inefficiencies
 - Delays
 - Staff frustration
8. Inaccurate or incomplete payment information in TrakIt, which results in Inefficiencies, delays and staff frustration.
9. The lack of Counter staff, Plan check staff, IS support, and Admin staff results in:
 - Inefficiencies
 - Delays
 - Staff frustration
 - Affects customer service



10. The current review turnaround time is inadequate, which results in:
 - Inefficiencies
 - Delays
 - Frustration
 - Affects customer service
11. Lack of contemporary software and hardware for redlining, which results in Inefficiencies, delays and staff frustration.
12. Lack of training on software used results in:
 - Inefficiencies
 - Delays
 - Frustration
 - Staff morale
 - Imbalanced workload on staff
 - Underutilized software (not getting the return on investment on software)

Recommendations:

- Carry out a detailed, rigorous technical and functional requirements definition for this process and current systems used (This is beyond the scope of the ITSP project.)
- Identify the most responsive software solution(s), remove and/or consolidate all unnecessary software
- Replace ProjectDox with a product that works and is user friendly – Benchmarked
- If ProjectDox is kept, improve existing Integration between ProjectDox with Trakit
- Integrate Cayenta with Trakit
- Fix Trakit to link to the plans, click under the plan location and get plans
- Obtain contemporary markup software and hardware (tablet, cursor, etc.)
- Narrow down one process for plan locations
- Adopt the use of Enterprise Content Management System, and Enterprise Taxonomy
- Provide formal, role-based specific training on processes and software
- Adopt standard SOPs
- Provide end users access to vendor technical support
- Evaluate resource needs for effective processing, and assign resources for proper screening of applications

Benefits:

- Happy staff
- Increased efficiencies
- Improved customer satisfaction
- Staff time savings
- Improved efficiencies
- More staff could provide better guidance to the public/customers
- Access to complete information
- Business process improvement



D SW 6 Fire Incident Management [RW 10]

Findings:

The Fire Records Management Operations Rapid Workflow® workshop revealed the following:

1. There is insufficient IT support for this, which staff results in:
 - Delayed implementation of IT initiatives
 - Employee stress
 - Compromised communication
 - User frustration
2. There is insufficient Fire Administrative staff, which results in:
 - Delayed implementation of IT initiatives
 - Employee stress
 - Compromised communication
 - User frustration
3. Multiple systems being used makes for a frustrating user experience, which results in:
 - Difficulty in end user experience
 - Wasted staff time
 - Lack of communication between systems and effort
 - Duplicate data entry
4. The lack of integration between existing systems results in:
 - Data entered can't be shared across appropriate systems
 - Information is lost or lost in transition
 - Not be meeting best practices
 - Don't know what you don't know
5. The lack of billing and collection system for EMS results in inaccurate billing information and possible loss of revenue.
6. Inefficient resource tracking on emergency incidents results in:
 - Inefficient and potentially unsafe resource placement on an emergency incident
 - The current hardcopy worksheet does not necessarily display accurate actions in the post incident narrative
7. Insufficient GIS resources results in:
 - Delayed pre-incident planning
 - Lack of data analysis for resource performance
 - Can't take advantage of regional initiatives
8. Insufficient end user training on software or City staff attendance at user conferences results in:
 - Staff reluctance to use software
 - Lack of knowledge of best practices
 - Lack of professional development
 - The City is not reaping the highest return on its investments



9. The lack of SME/stakeholders/business process owners results in:
 - Projects tend to fail
 - Lack of end user buy-in
 - Makes change management more difficult
 - Underutilized systems and personnel
 - Lack of return of investment in IT
10. The lack of succession planning.

Recommendations:

Technology

- If one has not been carried out, execute a detailed functional and technical requirements definition for Fire Incident Management to mitigate the use of numerous systems; Adopt one system if possible
- Or, assess existing systems used and look for interoperability, build a plan to support one platform
- Adopt Tablet Command Incident Management Software (equal or better) or Intterra (equal or better), a GIS-based incident management program that also allows resource tracking
- Adopt ImageTrend RescueBridge to encompass EMS as well as Fire reporting

Operational

- Promote professional development and support knowledge and best practices
- Include stakeholders in process from beginning to end: requirements definition, system evaluation, vendor selection, implementation planning, and change management

Management

- More fully resource the IT organization* (an enterprise requirement not limited to this initiative, described in section 4.2.3, Management Recommendations)
- Implement the Standards of Cover Headquarters assessment
- Provide formal, role-based training on all implemented software
- Adopt the practice of mentoring and succession planning
- Retain a 3rd party experienced in medical billing and collection

* The IT staff positions identified above were proposed by City staff. A final IT resources analysis is provided in the ITSP Volume 2: Implementation Roadmap. The same applies to the positions for the Fire Department, which are shown here for the record. These positions are not addressed beyond this point, as the ITSP is not a human resources analysis.

Benefits:

- Increase records management efficiency and effectiveness
- Successful IT deployments
- Reduced stress and frustration on all staff
- Allow employee base to have a bigger picture and not just focus on the task
- Improved staff communication and customer services
- Consistent and easily obtainable data for analysis
- Improved end user experience
- Support regional collaboration initiatives: records management and data comparison across municipalities



- Accurate billing and increased revenue
- Improved fire ground safety and operations
- Improved preplanning, emergency response, and resource deployment
- Successful systems deployments and utilization
- Successful succession planning, staff can assist in future projects, plans, and knowledge transfer

D SW 7 Recreation Software [RW 11]

Findings:

The Recreation & Community Services Rapid Workflow® workshop revealed that:

1. Customers create many accounts in ActiveNet, which results in:
 - Customer Service having to merge numerous accounts
 - Use staff time to research accounts
 - There are certain things that can't be merged
2. ActiveNet is not user friendly due to:
 - The existing system not reading Excel files
 - The inability to delete multiple dates for facilities scheduling
 - The inability to merge customer accounts if they have two different memberships tied to them
 - The inability to void a transaction that was done incorrectly
 - Customer service being inefficient since questions are placed in the queue and are never answered
 - Data being deleted when they do system updates
 - ActiveNet only working with IE internally, not Chrome

This results in:

- Staff time wasted to manually reenter all the data
- Customer and staff frustration and dissatisfaction
- Staff time wasted as it leaves an error in the system, e.g., refund to a credit card and then have to contact the customer to not accept that refund
- Unanswered questions
- Ongoing problems
- System upgrades could have a monetary impact
- The updates can make the job harder, i.e., can't name a credit card
- Limiting the application to IE forces users to use an outdated browser

Recommendations:

- Carry out detailed requirements definition for all Recreation & Community Services programs this software will be used for
- Explore what the marketplace has to offer with regards to recreation software
- Issue a Request for Information for recreation software

Benefits:

- Staff time savings
- Happy staff
- Reduced frustration
- Better PR for the City



- Improved customer service and satisfaction
- Smoother running process altogether

D SW 8 Building – New Online Business Licenses & Permits [RW 15]**Findings:**

The Building Business License Rapid Workflow® workshop revealed that this process currently uses E-Trakit and the City Portal. The current condition has the following challenges:

1. Not being able to verify business licenses in E-Trakit affects Finance and Building, which results in:

Finance

- Loss of revenue
- Inefficiencies
- Business operating without a business license

Building

- Extra work for Building Inspectors, they have to verify prior to the final inspection
- Fees are only flat fees, the application cannot perform calculations, which results in limiting the types of online permits

2. Filtering Questions is not within the same software/web page. It is in the separate City Website Portal, which results in:

Customers

- Disconnect between what the customer selects in the City Website Portal, e.g., they answer the question for Water Heater, but when they get into E-Trakit, they have to select from the drop down; which does not select Water Heater because the default is AC. This leads customers to get the wrong permit and fee
- Inefficiencies
- Poor customer service
- Customers sometimes have to walk to the counter to pay for the permit
- Wasted staff time to issue refunds

Building

- It causes extra work for the Permit Center, because they have to issue refunds
- Create the correct permit type when the wrong permit is caught in the field
- Process it for the applicant to pay online

3. In Filtering Questions, Customers have to answer “No” to go to the next step, which results in the questions not being user friendly.
4. Cannot verify the answers later as there is no database recording the Customer’s answers, which results in:
 - Having no evidence of the answers provided
 - Customers getting permits for scope of work that requires plan submittals
5. Cannot validate if a contractor has a license in E-Trakit. There is a database of architects and contractors Trakit, but it cannot be read, which results in:
 - Customers getting permits with expired licenses
 - Invalid contractor licenses



6. Customers do not have the choice to View and Print the Permit Card. If they click on View, they cannot print the card, which results in:
 - Customers calling the Permit Center to ask for a card
 - Wasted staff time
7. The system does not allow for credit online permits in E-TrakIt, which results in:
 - Impacts to the subsidy program
 - Customers having to come in
 - Limits to the services provided since they are eliminated from the online permit types, e.g., online water heater is suspended until this is figured out

Recommendations:

- Evaluate whether business licenses can be implemented in TrakIt
- Provide the ability to correctly add deposit and credits for online fees
- Provide the ability to have Filtering Questions
- The logic should allow for different types of questions
- The logic should allow for follow-up questions depending on the answers
- Provide the ability to unlimited view of permit cards but print one time. Add print date stamp
- Integration of answers with the fee calculation
- Provide a database that records customer responses and acknowledgements within the same permitting software
- Provide the ability to read Business License data in HDL, which will require integration
- Explore interfacing the permitting to the Contracting State Licensing Board (CSLB), which was previously demonstrated to the City

Benefits:

- More accurate payment information
- Increased revenue
- Improved efficiency between departments
- Improved customer service
- Increase the different types of permits that can be provided online
- Streamlined process, business process improvement
- Reduced Building Safety staff time

D SW 9 Utility Billing, Meter Repairs, Cashiering [RW 13]

Findings:

The Finance Utility Billing Meter Repairs Rapid Workflow® workshop revealed that:

Meter Sets

1. GIS IT is asked to produce a Meter Layer but is only provided Meter Numbers not locations. This results in:
 - Meter sets being unable to produce an accurate map of meters
 - Meters being unable to locate meters installation locations
 - Meter repair staff are unable to locate meter repair location
 - Calls to the Inspectors to help locate meters with possible meet-ups
 - Wasted staff time



2. Completed Set Sheet paperwork is not returned on time. Sometimes, it takes a year from the Developer and Engineering Inspectors. This results in:
 - Billing delays
 - Customers having a higher bill
 - Creation of customer issues
 - Loss of revenue
 - If the meter is reading inaccurately, those costs are not recovered until the meter is replaced
3. Inaccurate information in the Meter Set Sheet, which may have originated from Land Development, e.g., size of pipe or service, results in delays in entering meters into Cayenta and billing delays.

Recommendations:

- Have equipment meter readers with GPS (Trimble) devices
- Have equipment meter readers provide the GPS location reading to GIS IT
- Explore making the Completed Set Sheet in electronic form
- Revisit the process and existing policy
- Include data validation on the Completed Set Sheet

Benefits:

- Ability to produce accurate asset information
- Improved department processes
- Improved customer services
- Increased efficiency
- Increased revenue

Findings:

The Finance – Meter Repair Rapid Workflow® workshop revealed that:

Meter Repairs

1. GIS IT is asked to produce a Meter Layer but is only provided Meter Numbers not locations. This results in:
 - Being unable to produce an accurate map of meters
 - Meters being unable to locate meters installation locations
 - Meter repair staff are unable to locate meter repair location
 - Calls to the Inspectors to help locate meters with possible meet-ups.
 - Wasted staff time
2. There is a duplication of effort with processing the meter sheet and scanning; since Public Works is doing the same thing. This results in:
 - Wasted staff time
 - Inefficiency
 - Redundant documents and storage
3. There is no Service Level Agreements between Public Works and Finance, which results in delays to getting meters repaired in a timely fashion.



4. Paperwork is not returned in a timely manner, which results in:
 - Billing delays
 - Customers having a greater bill
 - Creation of customer issues
 - Loss of revenue
 - If the meter is reading inaccurately, those costs are not recovered until the meter is replaced
5. Inaccurate information in the Meter Repair Request results in delays in entering meters into Cayenta and billing delays.

Recommendations:

- Have equipment meter readers with GPS (Trimble) devices
- Have equipment meter readers provide the GPS location reading to GIS IT
- Change the process to do it once in Lucity
- Submit the request through My Milpitas App (Lucity is currently being tested. It should be rolled out in two months.)
- Need to review and articulate a business case identifying a realist timeline
- Explore making the Completed Set Sheet in electronic form
- Revisit the process and existing policy
- The Meter Reader will detail issue with meter information as they see it
- At the end, Utilities will verify the detail information as well

Benefits:

- Ability to produce accurate asset information
- Will benefit various departments
- Staff time savings
- Improved efficiencies
- Eliminate redundant document and storage
- Improved customer services
- Increased revenue

E SW Software: Enterprise

Enterprise Software denotes applications used by all departments, by most large departments, or many departments across an organization. An enterprise technology vision, which the ITSP Roadmap proposes, typically adheres to the following:

- Enterprise software benefits several business units across the organization, taking advantage of economies of scale.
- Enterprise software pools financial resources from one or more business units or departments to procure systems that otherwise might not be affordable by one business unit.
- Avoids the purchase of technically disparate systems that provide the same functionality.
- Procures systems that meet an Enterprise Architecture and established technology standards to minimize operational and support costs and maximize investments in technology.



- Decreases the overall workload on IT staff by not having to provide technical support on numerous redundant applications or applications that do not meet the City's standard Enterprise Architecture or standards.
- Typical enterprise applications include ERP Systems (e.g., financial, human resource, work order, procurement, asset management applications, etc.) Enterprise Content Management Systems, and Geographic Information systems.

ESW 1 Enterprise Content Management

ESW 1.1 ECMS Strategy [RW 4, RW 6, RW 7, RW 8, RW 9, RW 12, MI 12]

Findings:

Enterprise Content Management came up as a requirement throughout the ITSP project.

1. The Engineering Building & Planning: Development Review Rapid Workflow® workshop revealed that it is sometimes difficult to find signed versions of documents, e.g., tentative maps and documents once approved by Planning. This results in:
 - Using old conditions/tentative maps, missing Council revised conditions
 - Delayed review times
 - Staff frustration
 - Potential conflicts in the documents
 - May not be implementing the approved version, as opposed to the draft version
2. In the Clerk Agenda Management Rapid Workflow® workshop staff noted that document sharing and storage is inconsistent, which results in:
 - Spending time sorting documents in multiple locations
 - Having different versions of supporting documents
 - Difficulty finding/accessing historical documents (including by the public)
 - The financial cost of storing documents in several places

The foregoing results in:

 - Spending time sorting documents in multiple locations
 - Different versions of supporting documents
 - Difficult to find/access historical documents, City staff and public
 - The financial cost of storing documents in several places
3. The Building House, Building Permit Rapid Workflow® workshop revealed that WebExtender is cumbersome to use for tracking down as-builts, which results in:
 - Inefficiencies
 - Delays in service delivery
 - Staff frustration
 - Affects customer service
 - Affects customer ability to find documents



4. The Private Development Inspection Rapid Workflow® workshop revealed the following:
 - Lack of a document/records management strategy, archiving is being done in electronic and hardcopy folders
 - The City does not understand or embrace GIS or Enterprise Content Management software tools, which require enterprise strategies

The foregoing result in

- Future projects can be impacted and poor record keeping for City maintained facilities
 - Potential impact on infrastructure
 - The City is not following records management best practices
 - Poor records keeping
5. The Human Resources Application Tracking Rapid Workflow® workshop revealed that shared drive filing conventions are not standardized, which results in lost files, misplaced, filed in the wrong folder, or not easily found and wasted staff time.
 6. The Occupancy Database, Fire Inspections Rapid Workflow® workshop revealed that PRA requests for documents related to Building Permits, Environmental, and Code Enforcement documents, etc. are challenging, which results in significant impact to staff time and expense.
 7. The Clerk Management Interview revealed that Web Extender, which is available to staff and public is used for document storage and is not that friendly for staff or the public.

Recommendation:

- Develop and adopt an Enterprise Taxonomy
 - Hardcopy Document Inventory: carry out a physical inventory of hardcopy documents/records in City buildings and trailers to aide in developing an enterprise taxonomy
 - Collect data of electronic file storage
- Develop an Enterprise Content Management Strategy
 - Develop an ECMS phased implementation plan addressing technical and functional requirements for each City department:
 - Software
 - Content Management
 - Records Management
 - Scanning
 - Workflow Automation
 - E-Forms
 - E-Signatures
 - Backfile Conversion Strategy: backfile (historical) and day-forward
 - Archive Requirements: to manage offsite hardcopy content
 - Professional Services:
 - Implementation
 - Interfaces
 - Backfile Conversion
 - File Migration
 - Deployment Sequence
 - Citywide Implementation Budget Estimate



- Store documents and records in a centralized Enterprise Content Management System
- Integrate with applicable systems, e.g., Trakit

Benefits:

- Save time saving
- Improved efficiencies
- Staff self-service
- Reduced costs
- Happy staff
- Improved customer service delivery
- Improved customer satisfaction
- Improved records management
- Easy and fast access to document and records
- Documents would not get misplaced or lost
- Decrease legal exposures
- Provided secure document access
- Reduced staff workloads
- Staff time savings on responding to PRA

E SW 1.2 ECMS Taxonomy [RW 6, RW 7, RW 8, RW 9, RW 12, MI 12]**Findings:**

An enterprise taxonomy is a high-level hierarchical classification of electronic content facilitating fast, easy access to documents, records management and disposition of electronic documents/records, digital photographs, digital video, and/or digital recordings throughout their lifecycle. Taxonomy is to content management as a Chart of Accounts is to a finance system; it classifies documents and other digital content into logical groups/subgroups in an Enterprise Content Management System in a manner that is responsive to how information is used by various departments. A standard taxonomy facilitates fast and easy access to content by both staff and the public when made available via web access.

The lack of an enterprise taxonomy was mentioned in half a dozen Rapid Workflow® workshops and management interviews, with the same results as items 1 through 6 in E SW 1.1 above.

Recommendations:

- Take the data from the current Record Retention Schedule and Document Inventory to produce taxonomies for each department
- Develop and adopt an enterprise taxonomy, including document types, classes and meta data (key words) to be used in all systems with document management capabilities
- Taxonomies should be developed with department/document owners

Benefits:

- Intuitive and fast access to stored content for City staff and the public
- More confidence related to legal exposures knowing that searches are thorough
- Make records available via the City website
- Foster end user acceptance, use and a return on investment in ECMS tools
- Staff time savings
- Compliance with the Records Management mandates



- Reduced legal risk of the City
- Improved records management
- Enhanced service delivery

E SW 1.3 E-Forms Software [RW 13]

Findings:

A number of Rapid Workflow® workshops identified the need for automated workflow and E-forms. The implementation of an Enterprise Content Management System will provide numerous opportunities to employ E-Forms and workflow.

Recommendations:

Adopt a contemporary E-Forms tools with the following features:

- Be a seamless component of the ECMS solution or seamlessly integrated with the ECMS if provided by another vendor
- Retain the look and feel of paper forms, if required
- Provide variable length fields for data entry, eliminating blank spaces when printed
- Enhance and simplify forms processing with automatic calculations and data validation
- Support electronic signatures
- Support database integration
- Expedite forms submission via a browser
- Interact with other applications, including initiating an ECMS workflow process, updating other systems, or authenticating signatures
- Provide ability to attach associated documents to the form (e.g., documents, photographs, plans or drawings)
- Accessible from within the City as well as externally via the Internet. E-Forms software can be provided by a leading vendor different than the ECMS vendor

Benefits:

- Eliminate the use of paper forms
- Staff time savings
- Foster workflow automation
- Cost savings in paper, copiers, and toner
- Staff time routing forms

E SW 1.4 E-Signature Software [RW 13]

E-Signatures are commonly used to support the use of E-Forms; electronic forms can be used to build applications for many departments across the City including on-line/E-Government applications for the public. E-Signatures have become commonly used tools to execute legal documents as well, e.g., Professional Services Agreements.

Findings:

- E-Signature requirements were identified in the DSP project as a solution in three (3) of the 16 Rapid Workflow® workshops.
- E-Signatures were identified as a requirement in the following workshops:
 - Finance Budget Process
 - Human Resources Payroll Process
 - Building & Housing Housing process



- The City requires an E-Signature capability for E-Forms used with or without automated workflow processes.

Recommendations:

- Implement an E-signature solution providing the following minimum functionality:
 - Work seamlessly with the proposed E-Forms application and/or the City's ECMS solution.
 - Be a seamless component that works with the City's ECMS solution.
 - Ensure the authenticity, integrity, and non-repudiation of its electronic documents.
 - Meet State of California's requirements for authenticated signatures, e.g., Government Code Section 16.5 supporting Digital Signatures and California's Uniform Electronic Signature Act. (Civil Code Section 1633.1-1633.17).
 - Support the Uniform Electronic Transactions Act (UETA) which is a federal statute adopted by 47 states.
 - Support E-Signature approvals, either from a Web browser.

Benefits:

- Enhanced online transactions
- Eliminate walking around to collect signatures
- Reduced traffic and driving
- Provide easy access to services
- Facilitate dynamic relationships with the public and enhanced service delivery

E SW 2 Budget System [RW 1, ITFG 3]

Findings:

The Finance Rapid Workflow® workshop revealed the following:

1. The City has outdated budget software, BRASS, which results in extra staff work and wasted staff time.
2. Publishing software is difficult to use, which results in extra work and wasted staff time.
3. The interface between Cayenta (20 years old) and BRASS (20+ years old) budget software, which have discontinued their updates, is challenging. This results in:
 - Extra work
 - Wasted staff time
 - Work takes longer than it needs to
4. Smart Draw for organization charts is difficult, which results in extra staff work and wasted staff time.
5. Sharing one binder across two executives results in time inefficiencies.
6. BRASS software is not user friendly and reviewing information is not easy, which results in time inefficiencies.
7. Getting payroll information into the budget system is manual and time consuming, which results in extra work and wasted staff time.



8. Budget Requests are all in Excel, which results in extra work and wasted staff time.
9. Departments cannot run budget reports in Brass. This results in reports not being useful and the inability to get data to management.
10. Forecasting in Excel is not optimal.
11. Several systems are used to produce the budget, which results in extra work, wasted staff time, and too much back and forth review.
12. Confusing workflow results in extra work, wasted staff time, and too much back and forth review
13. There are conflicts between the executives, Finance Team, and Department, and getting them to meet in a short period of time. This results in:
 - Staff frustration
 - Delay of budget adoption
 - Lose time and money
14. The turnaround is too long, depending on which department you are in. This results in staff stress and impact to accuracy.
15. There is a lack of cost recovery analysis process, compiling it is cumbersome, which results in:
 - No increase in fees
 - Cannot justify it
 - A loss of revenues

Recommendations:

New Budget System

Features & Functions:

- Ability for multiple users to be in the same forms and report at the same time
- Ability to look back at multiple years
- Go back for multiple year budgets, e.g., search or trending
- Ability to publish a budget
- Workflow Automation
 - Auto notification
 - Escalation
 - Reviews
 - Approval
 - Status
- Produce Org Charts
- Provide functionality to replace the use of existing binders
- User friendly, contemporary software and GUI
- Web-enabled
- Supports responsive
- Function with mobile devices
- Export Excel files
- Enter budget requests into the system



- Provide accurate forecasting
- Cost Analysis Recovery capability
- Adopt one inclusive

Reports:

- Pull information from several sources
- Real time reporting
- Historical
- By department, Division, Accounts
- Better filters
- Ada Hoc
- Multi Year Reports, by time frame
- Expenditures, by vendor, by budget, detail drill down

Interfaces:

- Budget system and Cayenta AP
- Budget system and Cayenta HR payroll
- Start the budget process earlier in December
- Stream the meetings to Facebook and YouTube
- More advanced notice, e.g., do a bi-annual budget

Benefits:

- Staff time savings
- Reduced stress and frustration
- Eliminated rework
- System interfaces will save staff time esri
- Eliminating the use of the binders will save time and streamline the process
- The new Budget system will save time and streamline the process
- Better and more useful reports
- Provide management with better data to make informed decisions
- Enhance community engagement
- Better outreach outcomes
- A contemporary budget system will allow for improved and more accurate forecasting
- Increased fees and revenues based on current and accurate data
- Streamlined budget process
- Cost savings

E SW 3 Agenda - Municode [WF 6, MI 6, MI 8]**Findings:**

The Management Interviews and City Clerk Rapid Workflow® workshop revealed that the Municode implementation has been problematic with substantial implementation, end user adoption challenges. Many of the challenges relate to business process and procedural changes that resulted in the implementation where end users were not aware of how the process would change with the new Municode system.

Recommendations:

Making recommendations on system deployments that have experienced significant challenges and lack end user acceptance, after the fact, is always difficult. It requires a forensic analysis of what transpired related to system requirements, procurement and



deployment, which is beyond the scope of the IT Strategic Plan. What is known is that stakeholders were not involved, which is the primary reason technology deployments fail. The following recommendations relate to keeping Municode; however, given all the significant challenges identified, ThirdWave cannot discount the possibility of replacing the existing system.

- Provide change management activities: formal training, ambassadors, demos, connect with other cities who might be using it
- Add user-friendly features, or education on existing functionality
- Foster open and dynamic communication with end users
- Evaluate the current workflow with those that are impacted
- Consider the end product and how it used by City Council; Management needs to trust staff to write Agenda Reports and minimize the back and forth.
- Explore or reevaluate the current workflow (or appropriate) to simplify the workflow (business process redesign, including the forms used in the process)
- Manager executives discuss Agenda items with their staff, before Agenda Reports go to the City Attorney
- Look at re-engineering the process
- Adopt a mechanism to categorize reports that come at different deadlines, e.g., complex reports that require City Attorney/Finance versus simple agenda reports
- Create tiered system for agenda reports for review, e.g. who has to review them – check boxes on who has to review them
- Better, more realistic communication,
- Produce the Agenda two times every two weeks: Rules Committee day and the agenda packet day
- Use the check-in/check-out feature effectively
- Develop an enterprise taxonomy and store agenda associated documents in a centralized Enterprise Content Management System

Benefits:

- Smoother workflow
- Improved ability to meet mandatory timelines
- Creating the Agenda 2 time versus 4 will save staff time savings, and be more efficient
- More time would result in improved quality control
- There might be more tolerance for the times when things are late
- Reduced frustration levels
- Increased sense of ownership
- Improved quality control
- Could do other work, by not spending every day working on the Council meeting and agenda process
- Better confidence level in Agenda Report documents
- Reduced amount of work taking place outside Municode
- The Agenda would be completed at 5:00 on agenda day
- Meet the expectations of Council members
- Follow the open government ordinance

**E SW 4 Web Content Management [RW 15]****Findings:**

The Internet Rapid Workflow® workshop revealed that a number of web content methods and processes are currently used at the City. These include:

- **Decentralized Model:** where department staff/management produce content and provide it to an Analyst/Content Coordinator for posting
- **Centralized Model:** where Analyst/Content Coordinators create content in a PDF and provide it to the IT Web Master (the IT Director) who processes it and posts it
- **Citywide Outreach:** where department staff create content in PDF and provides it the PIO

Decentralized Model Assessment

1. Certain parts of the website, or types of documents, can't currently be posted (Building Safety), which results in a lack of information for staff and customers.
2. The lack of consistent messages results in confusion for the City staff and public.
3. There is a lack of consistent web content format, there are different styles. This results in:
 - Confusion for the city staff and public
 - Poor reflection of a city in Silicon Valley
4. The lack of formalized design templates results in inconsistent visual design quality.
5. The lack of true, contemporary content management software results in:
 - The inability to post revised PDFs
 - Wasted staff time
 - An archaic website
 - Hard to find content that is out date, so there is stale content
6. There is a lack of formal training for content posters, which results in:
 - Inconsistent quality regrading design
 - Staff frustration
 - More work for the webmaster
7. The City website may not be ADA/WC3 (Americans with Disabilities Act) compliant, which results in:
 - Not compliant with the needs of persons with disabilities and legal liabilities
 - Some citizens are not able to utilize the tools
8. Most departments do not have staff to do content management. This results in:
 - The webmaster gets more work
 - There may numerous versions of documents and incorrect information
9. No formal editing and review process result in the website presenting a different voice and a lack of quality control.



Centralized Model Assessment (IT organization is the Content Manager)

1. Certain parts of the website, or types of documents, can't be posted. This results in a lack of information for staff and customers.
2. The lack of consistent messaging results in confusion for City staff and public.
3. There is a lack of consistent web content format, with different visual design styles. This results in:
 - Confusion for the City staff and public
 - Poor reflection of a city in Silicon Valley
4. The lack of formalized design templates results in inconsistent visual design quality.
5. The City lacks true, contemporary content management software with the ability to post revised PDFs, which results in:
 - Wasted staff time
 - Archaic website
 - Hard to find content that is out date, so there is stale content
6. The lack of formal training for content posters results in:
 - Inconsistent quality regrading design
 - Staff frustration
 - More work for the webmaster
7. The IT Director is the Webmaster, which results in the inefficient use of the IT Director's time and a bottleneck for content posting.
8. It is hard to get things posted quickly when the IT Director is the webmaster, which results in inefficient use of IT Director's time and a posting bottleneck.
9. Delayed processing results in incorrect information posted to customers and staff and low attendance and reduced public participation.
10. There is no formal process for getting the website updated, which results in the website presenting a different voice and a lack of quality control.
11. No formal notification of work in progress or completion results in:
 - Not knowing of the work has been completed
 - Staff time utilized reminding the person doing the posting
12. No formal editing process, which results in the website presenting a different voice and a lack of quality control.
13. The website design is not clean, is cluttered, and some content has not been updated in years. This results in poor perception and representation of the City.
14. There are a number of website functionality issues:
 - Website is slow
 - The website does not employ Responsive Design, which prohibits it from displaying correctly on different mobile devices
 - Lack of E-Government Applications



- All social media is supposed to go through the PIO, but information that is supposed to get out quickly is delayed

The foregoing results in:

- The City Website is not user friendly
- Website visitors giving up searching the website and leave
- Website cannot be viewed on various devices
- Website becomes underutilized

15. Web branding and visual design is inconsistent, which results in the poor perception and representation of the City.

16. The Website organization is hard to navigate and is not designed to be customer facing, which results in:

- The City Website is not user friendly
- Website visitors giving up searching the website and leave
- Website cannot be viewed on various devices
- Website becomes underutilized

17. There is no formal framework for website design and maintenance plan to delivery information and services. This results in:

- Poor perception and representation of the City
- An outdated website
- Stale content and broken links
- Not useful, inaccurate information
- Lacking formal responsibility assignment
- Inhibiting on-demand service delivery in multiple languages

Citywide Outreach Assessment

1. The lack of notifications results in inefficiencies and frustration from having to ask several times.
2. The slow response time or delayed publishing results in low attendance and reduced public participation.
3. The single point of contact results in a bottleneck for posting.

Recommendations:

- Adopt the Decentralized Model, the content management of a government website should not rely on the IT Director doing the updates
- Website Design
 - Redesign the website employing sound, graphic and visual web design principles
 - Develop and deploy a formal City-wide branding strategy
 - Website should reflect a clean, intuitive, fast and friendly navigational structure
 - Website should reflect a customer facing focus GUI and enhance the customer experience
 - Adopt consistent design elements across sites (including personalized brand components)
 - Adhere to ADA/WC3 compliance



- Web Content Management Software: Replace WordPress with a contemporary Content Management Software providing the following:
 - *Web Design Capabilities:*
 - Able to build out different and multiple taxonomies to store and index content
 - Ability to develop branding themes
 - Effective mobile templates that are easily customizable
 - Formatting content is straight-forward and does not require a programming background
 - Provides features to allow scaling for expansive web presence
 - Provides site templates that are attractive
 - Webpage visual appearance can be easily customized
 - Accommodates various user communities
 - Access prebuilt and custom reports and dashboards
 - Allows users to drag and drop items and content onto web pages
 - Provide City staff a user-friendly ability to upload their own documents/content.
 - Compatible with the calendaring system
 - Keep track of incrementally changing versions of the same content
 - Able to search your content based on keyword, metadata, tags, etc.
 - Content Authoring
 - Content Queue
 - Content Repository
 - Content can be intuitively managed, edited, tagged, approved, and stored
 - Schedule content to be published at a certain time and in a certain order
 - Internal Search
 - Rich Text Editor
 - SEO
 - User friendly versioning
 - Automated email responses
 - Drafting and publishing content is intuitive and non-technical
 - Dynamic Content, e.g., video streaming
 - Manages content such as blogs, marketing tools, newsletters, etc.
 - *Programming Functionality*
 - Application Programming Interface (API Integration), Enable integration of data, logic, objects, etc. with other software applications
 - Available gadgets and modules easily incorporated onto the page
 - Dashboards: Pre-built and customizable
 - Reports: Customizable and Ad-Hoc Reports
 - Analytics
 - Enterprise scalability
 - Flexible navigation structures
 - Pagination, page headers and titles, meta tags and URL structure all contribute well to site SEO
 - Plug-ins/Widgets/Apps
 - Provides e-commerce capabilities
 - Automates a process that requires a series of steps
 - Approval routing process between authors and editors
 - Create tasks automatically and provide real-time alerts over email, RSS or mobile device
 - Data Quality Management: deduplication, cleansing, and appending marketing databases
 - HTML Input



- Online Behavior Tracking
- Search tracking and optimization
- Compatible with major browsers
- Adopt a file structure for how items are saved in the file bank
- Provide a feature to check for broken links
- Use the same streamlined document structure for both website and Intranet
- Provide electronic and/or automatic email notifications
- *System Functionality*
 - User, role, and access management
 - Allow administrators to create role or password-based permissions to ensure users see only what they should see
 - Allows administrators to create templates that enable users to quickly generate dynamic documents in various formats based on the data stored in the application
 - Grant access to select data, features, objects, etc. based on users, user role, and groups
 - Allows the storage and management of rich media files
 - Ability to input, modify and extract data in bulk through a structured file
 - Track performance of keywords and links in major search engines, measure search rankings and performance
 - Provide SEO tools to diagnose and improve page performance
 - Site Analytics
 - Data Import & Export Tools
 - Explore using links to a document management system (with a designed taxonomy)
 - Provide a file repository with search capabilities or works with an Enterprise Content Management System that is intuitive and easy to use
 - Compatible with Microsoft Office tools
 - Support mobile devices and Responsive Design
 - Adopt a style guide and editing team
- *Content Management Model*
 - Adopt a citywide framework for consistent website design, maintenance and delivery of information/services
 - The web content process should include authoring, editing, revisioning (if required) and posting
 - Provide formal training on the new CMS to content providers/posters
 - Departments should assume ownership of their content authoring and posting
 - IT should assume ownership of infrastructure and CMS software
 - Assign dedicated department staff to do content management
 - Articulate a well-defined writing, editing, review formal SOPs

Benefits:

- Increased efficiencies
- Uniformity across the entire City website
- Improved customer service, information and online services
- Easily digestible information
- Enhanced, useable website and enhance customer experience
- Reduced legal liability
- Provide access to persons with disabilities
- Increased quality of content



- Consistent City platform and voice

WEB Web Applications**W 1 City Website Redesign [RW 16, MI 10, MI 15]****Findings:**

The Recreation & Community Services Interview revealed that their department page within the City Website is one of the most visited pages. The website is not intuitive, making it difficult to navigate and find things, which impacts their business. For instance, constituents get angry because they cannot find community meeting information.

The Internet Rapid Workflow® workshop revealed that the current website has a number of weaknesses.

1. The lack of formalized design templates results in inconsistent quality website design.
2. The City website may not be ADA/WC3 (Americans with Disabilities Act) compliant, which results in:
 - Not compliant with the needs of persons with disabilities and legal liabilities
 - Some citizens are not able to utilize the tools
3. There is a lack of consistent web content format and different visual design styles, which results in:
 - Confusion for the city staff and public
 - Poor reflection of a city in Silicon Valley
4. The website design is not clean, is cluttered, and some content has not been updated in years. This results in poor perception and representation of the City.
5. There are a number of website functionality issues:
 - Website is slow
 - The website does not employ Responsive Design, which prohibits it from displaying correctly on different mobile devices
 - Lack of E-Government Applications
 - All social media is supposed to go through the PIO, but information that is supposed to get out quickly is delayed

This foregoing results in:

- The City Website is not user friendly
 - Website visitors giving up searching the website and leave
 - Website cannot be viewed on various devices
 - Website becomes underutilized
6. Web branding and visual design is inconsistent, which results in the poor perception and representation of the City.
 7. Website organization is hard to navigate and is not designed to be customer facing, which results in:
 - The City Website is not user friendly



- Website visitors giving up searching the website and leave
- Website cannot be viewed on various devices
- Website becomes underutilized

Recommendations:

- Redesign the City Website to:
 - Reflect an attractive website layout that captures the attention of visitors and provides a compelling reason to stay or return to explore its content or utilize its online services
 - Get visitors (internal or public) to the desired information or services in as few clicks with no knowledge of the organizational structure, policies or practices of a City
 - Foster an expeditious, frustration-free, and fruitful customer experience
 - Reflect sound visual design principles including:
 - Consistent headers, logo, and navigation across web pages
 - Good contrast between text and background
 - A well-balanced use of visual elements, text, images and white space on web pages
 - Minimalist Website Design
 - Employ best practice web standards
 - Responsive Design
 - Design/Develop for common, leading browsers
 - Meets Website Accessibility & American with Disabilities Act requirements
 - Provides Content Management
 - Website Hosting: load balancing, high availability, scalable, distributed data
 - Supports Innovation: Smart Cities and Internet of Things

INT Integration**INT 1 Application Integration****Findings:**

A number of requirements for systems interfaces/integrations were identified throughout the project. In some cases, the need for the interface was accompanied with a description of the need and corresponding benefits. In other cases that information was not provided. Information that was gathered is provided below.

Recommendations:**INT 1.1 New Budget - Cayenta AP [RW 1]**

This interface would be a new budget system replacing BRASS and Cayenta AP.

Benefits:

- Staff time savings
- Streamline process
- Better and more useful reports
- Provide management with better data to make informed decisions

INT 1.2 New Budget - Cayenta HR Payroll [RW 1]

This interface would be a new budget system replacing BRASS and Cayenta AP.

Benefits:

- Staff time savings
- Streamline process



- Better and more useful reports
- Provide management with better data to make informed decisions

INT 1.3 New Affordable Housing Application - GIS and Cayenta [RW 5]

INT 1.4 CRW Trakit – ProjectDox [RW 7]

INT 1.5 CRW Trakit – Cayenta [RW 7]

Inaccurate or incomplete payment information in Trakit, which results in:

- Inefficiencies
- Delays
- Frustration

Recommendations:

- Improve existing Integration between ProjectDox with Trakit
- Integrate Cayenta with Trakit
- Replace ProjectDox with a product that works and is user friendly; Benchmarked

INT 1.6 ECMS - CRW Trakit [RW 7]

Recommendations:

- Explore other possible software, Enterprise Content Management System
- Integrated ECMS with Trakit

Benefits:

- Happy staff
- Increased efficiencies
- Improved customer satisfaction

INT 1.7 Occupancy Database [RW 12]

Findings:

The Occupancy Database & Fire Rapid Workflow® Enterprise workshop revealed that:

1. Systems have been implemented without proper overall governance and an enterprise vision, which results in:
 - Systems that don't work, e.g., they do not meet the needs of the organization
 - Software implemented is always based on department specific needs and does not allow for an enterprise vision

Related to the foregoing, there has been a lack of integration and inclusion of all program elements, e.g., Fire and Building databases, which results in:

- Inefficiency
- Frustration
- Impacts to customer service
- Increased workload
- More opportunities for errors and inconsistent data in different systems on the same datasets, e.g., addresses

Recommendation:



1. Implement a Master Database
 - Adopt a governance policy and process, for all related systems and data, with well-defined roles and responsibilities
 - A detailed assessment of the multiple systems related to the occupancy database was beyond the scope of the ITSP project. This issue requires a formal and detailed assessment to articulate the enterprise needs, what each system can provide and, ultimately, a detailed system design, to carry out the required Application Integration, and/or consolidation of existing systems:
 - Fire and Building databases
 - Filemaker Pro and Trakit
 - Trakit and GIS
 - WebExtender
 - Cayenta
 - HDL
 - Adopt a formal requirements definition process with stakeholder involvement, RFP development, procurement process, contract negotiation and procurement, and implementation, maintenance in all future enterprise systems deployments [IT Governance]
2. There is a lack of multiple department accessibility to historical data, which results in:
 - Data resides in different departments and is inaccessible
 - Not getting information from the same historical data and creating different results
 - Impacts the ability to do your job correctly
 - Inefficiency
 - Frustration
 - Impacts to customer service
 - Increased workload
 - More opportunities for errors and inconsistent data in different systems on the same datasets, e.g., addresses

Recommendation: Provide access to the following data

- Fire & Building: Access
- WebExtender: Existing plans and approve plans
- GIS: Addressing maps and parcel restrictions

4. Recording of completed projects into historical data (Scanning via Web Extender) prep work by staff, e.g., slip sheeting results in:
 - Wasted staff time
 - Delays for recording in the system

Recommendation: Have lower level staff do document preparation for backfile conversion

5. Responding to service requests for Code Enforcement may impact making the right decision, which affects coordination with other departments for code enforcement.

Recommendation: Provide access to the following applications

- Trakit, APN Records for the address, previous code enforcement cases, permits and Web extender
- Filemaker Pro: Fire Code violations and Business Plans



6. Staff do not know who has ownership of data, which results in:

- No master database
- Confusion on who to go to for data
- A lack of data normalization

Recommendation: Articulate and adopt enterprise data management policies and practices, including ownership and accountability

7. There are no standard operating procedures available to identify data systems for onboarding staff, creating non-normalized data entry. This results in:

- No master database
- Confusion on who to go to for data
- A lack of data normalization
- End user errors, which creates efficiency impacts

Recommendation: Create SOPs for onboarding, training, operations, and data management

8. On major development projects, it is difficult to identify the inspection status between Building, Fire, Planning and Land Development. This results in:

- Customer service delivery
- Delays from the issuance of temporary or Certificate of Occupancy
- Delays the inspection and approval process

Recommendations: Proper integration and reporting

- Create a project status module that list several inspections in a major development. As they are finished, enter completion dates, and the inspections done. By the time the next inspection is done, that data is available.
- This data could be captured by phase and sub-phase.
- There would be improved business process workflow between department, reflecting the phases for each department.

9. Not being able to verify previous approvals from differing departments prior to inspection results in:

- Impacts to customer service delivery
- Delays from the issuance of temporary or Certificate of Occupancy
- Delays the inspection and approval process

On major development projects, it is difficult to identify, plan and review status between Building, Fire, Planning and Land Development. Staff have a difficult time identifying, billing and collecting TASP/Impact fees in a timely manner through the permitting process, which results in:

- Customer service delivery
- Delays from the issuance of temporary or Certificate of Occupancy
- Delays the inspection and approval process

Recommendation: Provide ability to verify approvals across all departments, e.g., for Fire. This would facilitate the issuance of a temporary certificate of occupancy (TCO) or certificate of occupancy (COO). For Building, the final approving authority would want to see all of the signoffs of all departments.



10. PRA for documents relayed Building Permits, Environmental, Code Enforcement documents, etc. results in significant impact to staff time and expense. (The City Attorney is the point of contact for PRAs.)

Recommendation: Implement an Enterprise Content Management System, with an enterprise taxonomy



4.2.2 Operational Recommendations

O Operations

The area of operational sustainability relates to the IT organization's ability to provide the complete spectrum of services required to effectively meet the technology needs of the City and community of Milpitas. Issues related to sustainability include the use of professional best practices commonly found in IT organizations committed to providing exceptional customer service.



The following findings and recommendations are based on input gathered throughout the ITSP Roadmap project related to sustainability.

O 1 Disaster Recovery/Business Continuity Plans [ITFG 4]

Findings:

The Software IT Focus Group revealed that the City has written Disaster Recovery and Business Continuity (DR/BC) Plans, but they have never been tested. System changes and major system rearrangements have occurred without updating these documents. This has the potential of resulting in:

- Loss of services
- It will take longer to bring systems up in the event of a disaster
- Possibility of data loss or access

Recommendations:

- Update DR and BC Plans
- Retain an outside vendor to review, update, and test the DR/BC Plans

Benefits:

- Enhanced security
- Limit system downtime
- Improved resilience and sustainability

O 2 Business Process Improvement

A number of opportunities for business process improvement were identified in the course of the ITSP project. Many ITSP initiatives relate to technology but the following mission critical processes were identified as candidates for business process improvement where the primary solution is not technology but business process redesign, supporting policies and, in some cases, staff training.

**O 2.1 Payroll Process BPI [RW 3, M1 14]****Findings:**

The Management Interview revealed the need for business process improvement as a challenge: "How to become more efficient with their processes. Processes and policy framework are outdated, authority for purchasing, all the way down to the way the work gets done. SOPs, management and procurement process (BPI), Accounts Payable, Payroll have the same issues."

The Human Resources Rapid Workflow® workshop revealed that:

1. The PAF is manually entered in hardcopy/PDF, which results in time inefficiencies and inaccuracies.
2. PAF data entry is manually done into HR Payroll system (Cayenta), which results in time inefficiencies and inaccuracies.
3. The Benefit form is manual, which results in time inefficiencies and inaccuracies.
4. Benefit data entry is manually entered into the Vendor System, which results in time inefficiencies.
5. Employees and authorized approvers cannot see real time leave banks in Cayenta. This results in:
 - Inaccuracies
 - Delays in uploading payroll batches
 - Resubmittals
 - Frustration for Time Entry Clerks (TEC)
6. Payroll does not receive uploaded timesheet files in a timely manner. This results in:
 - Stress
 - Overtime
 - Delay in processing
 - Shortens the time to review
7. Time Entry Clerks do not receive timesheets in a timely manner, which results in:
 - Inefficient time use
 - Inaccuracies
 - Stress and frustration
 - Unmet deadlines
8. Some Time Entry Clerks do not review TMS reports or reconcile for accuracy resulting in:
 - Extra work for the Payroll Specialist
 - Stress
 - Overtime
 - Delay in processing
 - Shortens the time to review
9. It is difficult when authorized approvers do not communicate with their backup person resulting in:
 - Inaccuracies
 - Inefficient time use
 - Delays in uploading payroll batches
 - Resubmittals



- Frustration for Time Entry Clerks (TEC)
- 10. Calculating retroactive pay when it is a long period of time is challenging, e.g., a couple of months, three years, or across fiscal years. This results in:
 - The potential for error
 - Anger among staff due to not receiving their retroactive pay
 - Extra work for the Payroll Specialist, HR Technician, Senior Accountant and HR Analyst
- 11. Salary increases for classifications in salary ranges are not processed in Cayenta automatically, which results in time efficiencies and inaccuracies.
- 12. The portal process for payroll reports is manually uploaded bi-weekly and it is a long process, which results in time inefficiencies and inaccuracies.
- 13. Cannot access the portal wherever employees are. Staff have to be in the City's network because it is an internal portal. This results in:
 - Inefficient time use
 - Inaccuracies
 - Staff frustration
- 14. Benefit Form data entry is manually put into the HR Payroll System, which results in time inefficiencies and inaccuracies.
- 15. Employees are unable to access their pay statements in the portal remotely, which results in employee frustration and extra work for Payroll Specialist and HR.

Recommendations:

- Business Process Redesign:
 - Work with departments to identify the causes for the delays and not meeting the deadline
 - Review payroll process and evaluate the possibility of approving batches on a weekly basis
 - HR develops a process to provide departments with upcoming or needed salary increases; Work with Police to develop a process to decrease the amount of time to provide proof of completed course
 - Develop a process to autogenerate the bi-weekly report; Streamline the upload process (this is in the works with SharePoint)
- NeoGov solutions:
 - Make the PAF a web form, which is currently being implemented in NeoGov
 - Integrate the information from the PAF from NeoGov with Cayenta
 - Make the Benefit form a web form in NeoGov and integrate the information with Cayenta
 - Identify an interface from NeoGov with the Vendor systems (CalPERS, Delta Dental, Vision, and Lincoln, ICMA (457))
- Update the timesheet SOPs to include writing up employees who are chronically late submitting timesheets
- Update the timesheet SOP to provide a process to update authorized signers when the primary authorized signer is on vacation
- SharePoint will address the remote access issue via web access
- Currently implementing Connect Employee in Cayenta
- Provide more training to TECs, with support of their supervisor

**Benefits:**

- Business process improvement
- Improved efficiencies and accuracy
- Improved communication
- Mitigated delays
- Reduced workload for various staff, e.g., Payroll Specialist
- Reduced errors
- Employees are paid timely
- Reduced staff frustration

O 2.2 Procurement Process [M1 14]**Findings:**

The Management Interview revealed that the “focus of purchasing systems is buying something inexpensive or become a beta system (i.e., Procure Now), which was supposed to be a procurement solution, registration, solicitation creation and posting. But the City did not do a formal requirements study.” At the time of the interview, the City was in the process of meeting with that vendor to access whether to continue that relationship.

While a detailed forensic systems assessment of any implemented system at the City is beyond the scope of the ITSP project, a couple of key observations can be drawn here:

- Systems should not be procured primarily because they are the lowest cost; they should be procured because they best meet the functional and technical requirements and offer the best long-term value. These deployments often end up costing much more in the long run in real dollars and staff time.
- Systems should never be purchased as beta systems as this results in the City becoming the debugging entity for the vendor, resulting in City staff time acting as an extension of the vendor’s debugging resources, long (sometimes never-ending) deployment periods and lack of end user acceptance.

Recommendations:

- Without knowing what decision was made regarding Procure Now, detailed requirements definition should be carried out prior to any final decision being made. (It may be too late for this.)
- Procurement requirements should be developed using a formal methodology with the participation and input from business process owners.
- Adopt IT Governance on all future IT procurements (as described in section M 3 IT Governance in this document).

O 2.3 Development Inspections [RW 8]**Findings:**

The Engineering Private Development Inspection Rapid Workflow® workshop revealed a number of challenges:

1. Inspection software is difficult to schedule inspections
2. Delays in distribution of information and documents
3. Lack of available accurate utility information
4. Information is not collected consistently
5. Inefficient SOPs (e.g., meter as-builts measures)



6. Lack of definitive roles and responsibilities
7. PJs are a manual process
8. Lack of coordination between the City and External agencies (e.g. AT&T, PG&E, etc.) The foregoing result in:
 - Inefficiencies in staff time
 - Impacts the quality of work
 - Various maintenance issues
 - Possible loss of revenue
 - Poor decision making
 - A poor relationship with contractors and developers due to problems in the field
9. Inaccurate or incomplete information provided by Engineers of Record and Contractors results in:
 - Future projects being impacted
 - Poor record keeping for City maintained facilities
 - Potential impact on infrastructure
10. There is a lack of document/records managing strategy as archiving is being done in electronic and hardcopy folders, which results in:
 - Future projects being impacted
 - Poor record keeping for City maintained facilities
 - Potential impact on infrastructure
 - The City is not following records management best practices
11. The City does not understand or embrace GIS or Enterprise Content Management Software tools, which require enterprise strategies. This results in poor records keeping.
12. For smaller projects, the applicant does not come back to close out the project. There is no consequence, which results in:
 - Being potentially unsafe to the public
 - Making the City look bad
 - Extra staff time to find records related to the project

Recommendations:

- Business process redesign, including accountability
- Define roles and responsibilities for anyone involved in the Private Development process.
- Automate the PJ process in Cayenta
- Provide more defined requirements given at the onset of a project
- Articulate and adopt SOPs
- Develop an Enterprise GIS Master Plan and Enterprise Content Management Strategy
- Explore current or new scheduling software to meet the inspection requirements

Benefits:

- Improved business process
- Save staff time, improved productivity
- Improved time management
- Improved relationships between the City and Developers/Contractors
- Better end product
- Consistency and clarity
- Improved revenue collection
- Increased accuracy and billing time to the correct project



- Ability to have projects completed in a timely fashion
- Improved public safety and perception
- Lessen the time needed to close out a project
- Improved records management
- Easy and fast access to document and records
- Documents would not get misplaced or lost
- Decrease legal exposures

O 3 Systems Mapping & Responsibilities [MI 11]

Findings:

The Police Department Management Interview revealed a challenge keeping up with the increasing demands of IT, especially integration of various brands and systems within the City and among different external agencies.

Recommendations:

- Map existing systems and IT staff responsibilities that are universal to all IT personnel so that important information is not tied to specific individuals
- Articulate and communicate clear roles and responsibilities of IT staff for all systems
- Develop a strategic plan for IT that parallels the goals and plans of other City departments via formal, detailed requirements definition with input from stakeholders
- Employ Project Management best practices to identify key milestones and timelines for all IT projects
- Develop cooperative, healthy working relationships within City departments and external agencies

Benefits:

- Improved IT staff support of existing and future Information technologies
- Enhanced customer service to end users
- More successful IT deployments that meet Department needs
- Improved IT project delivery and better end user acceptance and use of Information technology
- Improved collaboration with external agencies

O 4 IT Requirements Definition, Evaluation & Selection [MI 2, 3, 4, 5, 6, 11, 13, 16, 17]

Findings:

The lack of formal requirements definition for the evaluation selection and implementation of new systems was brought up several times throughout the project, and is one of the most significant weaknesses of the IT operating model. While carrying out a forensic analysis of how systems have been selected/implemented in the past is difficult or impossible, and beyond the scope of the ITSP project, the following comments provide an insight into challenges related to this issue (emphasis added).

1. Management Interviews revealed that the procurement of Information Technologies has not employed a formal requirements definition best practices, which prohibits effective system evaluation, selection, end user acceptance and successful use. The following are examples from the interviews.



- Building & Housing challenge: Trakit (Central Square) [MI 2] *"The process and the software the City implemented is not as user friendly, it is problematic. Track It/CRW system. They are reviewing other systems. The system they have is ProjectDox, which requires work arounds. The previous system is still being used and they also use ProjectDox as a workaround. It was started by the previous Building Official and deployed in January 2019."* Systems are being reviewed without a formal process, seemingly without detailed requirements.
- Building & Housing: ProjectDox E-Plan Solutions (Avolve Software) [MI 2]
- Planning Department challenge: Trakit and ProjectDox [MI 3]
"Having the permit Tracking System (Trak-It) communicate with the E-Plan Submittal software (ProjectDox). Two systems don't talk, it has doubled the data entry work staff have to do." This should have been identified during the system vetting process
- Building & Housing challenge: ProjectDox was supposed to replace Trakit [MI 4]
"The permit system: When she started last summer, Project Dox was being implemented. ProjectDox was supposed to integrate with Track-It, which has a lot of customization, but the integration is not working." If ProjectDox was to replace Trakit, why are they being integrated now?
- Economic Development challenge: [MI 5]
"Trak-It: need a tool that Planning, Building, Fire, Engineering, Land Use - that all departments use. He relies on that system, and if everyone is not using it, it limits the usability." Detailed requirement should have been for all departments at the same time, and systems should have been evaluated as an enterprise solution.
- City Manager's Office challenges [MI 6]
 - *"Getting ready to go out for new Budget RFP system. Haven't looked at the requirements for the new system. (This has been carried out as of this writing.)"*
 - *Feel the only criteria for selecting systems is that it is cheap. But the City has spent a ton of hours to fix these systems. For instance, MuniCode which lacks functionality. The City is able to fund solutions, they do not necessarily need the 'Cadillac solution' but something that makes sense.*
 - *Agenda Management: MuniCode, Agenda Pal, staff do not like it."*
- City Clerk's Office challenge [MI 8]
"Municode Meetings.com (Agenda Pal): a new system – submitting a document into a workflow was new for most staff at the City. It's been frustrating and hard for everyone to respond to the workflow." End users were not engaged in the system requirements, evaluation or selection.
- Police Department challenge [MI 12]
"... (lack of) proper vetting of systems before selection and implementation, proper project management with all stakeholders giving input to make sure goals are realistic and needs are met properly."
- Engineering Department challenge [MI 13]
"The Building Department started a system called Trak-It, based on the Building Dept and how they do their business. It was not designed for Engineering. (Understanding there might be add module) For instance, scheduling inspections. They do them every day, different types. This does not work for their scheduling. Then IT came up with a system they found online and have found another system they are looking at." Systems are not being evaluated employing a formal process.



- Finance challenge [MI 16]
"At the City, the focus of purchasing systems is buying something inexpensive or become a beta system (i.e., Procure Now), which was supposed to be a procurement solution, registration, solicitation creation and posting. But the City did not do a formal requirements study."
- City Manager, PIO challenge [MI 17]
"It seems that there is no continuity to the apps that are used. Staff have great ideas, but there are too many options. Not one application is done really well. Public Works is launching a new application, she likes the idea, but different departments come up with ideas, but no one circles back to see if existing systems could be piggybacked on. There are no champions for new apps." Successful system procurements build consensus, end user acceptance and effective use.

This foregoing has resulted in:

- Implemented systems that do not provide key required features and functions
- Implemented systems that do not meet the end user service delivery requirements
- Interface requirements are addressed as afterthoughts
- Inability to take advantage of economies of scale
- Limits a return on the investment made into Information Technologies
- Restricts providing extraordinary customer service

Recommendations:

- All systems procurements should go through formal requirements definition process, including but not limited to: business process analysis (as-is/to-be), functional/technical requirements, reporting, interfaces, data migration, integration, conformance to the City's Enterprise Architecture, etc.
- All system procurement should engage business process owners and any stakeholder that will use the system. Requirements should address departmental, cross functional and enterprise business process requirements, as appropriate.

Benefits:

- Effective system selections and implementation
- Satisfied end users
- Systems that benefit departments as well as the enterprise
- Sound investments in technology
- Improved customer service
- Long term cost avoidance



4.2.3 Management Recommendations

M Management Findings & Recommendations

This section of the ITSP includes management recommendations designed to support the implementation and support of the City's IT Strategic Plan Roadmap over the next 5 years and beyond.

These management recommendations are based on information gained from a thorough review and assessment of the City's mission, business processes and requirements. A baseline understanding of the City's IT management issues were realized by holding interviews with all department heads in addition to Technology Focus Groups with IT staff. Rapid Workflow® business process workshops with subject matter experts also identified management and policy opportunities for improvement.



M 1 IT Organization and Staffing

Findings:

The issue of limited IT staff resources came up throughout the project, including the following:

- Enterprise GIS Workshop [RW 2]:
 - There is a need to resource a dedicated GIS Team: GIS Application Specialist, GIS DBA and GIS Analyst
 - Hire employees, rather than temporary/intern staff
- Fire Departments Records Management [RW 10]
General IT resource requirements (not limited to the processes in this workshop):
 - 1 Project Manager: successful project delivery
 - 1 Business Analyst: analyze department business process in relation to IT needs
 - 1 Application Manager: main point of contact for all apps in the City, delegate to appropriate SME for assistance
 - 1 Customer Service Manager: Help Desk
 - 2 Desktop Technicians
 - 2 System Analyst
 - 1 Public Safety Data Communications
- IT Focus Groups [ITFG 1, 4]
IT staff noted the shortage of IT staff, and the inability to use staff at their skill levels, which are frequently working out of class on certain assignments
- Management Interviews:
 - Public Works: "The city is currently implementing a new CMMS (Lucity). They are trying to get as GIS centric as possible. They are also implementing SeeClickFix, and have a sewer system with WinCam for inspections. Everything they are trying to do is GIS centric. The City does not have GIS experts. Public works has one Staff Assistant who updates GIS information. Don't have GIS for Facilities, Parks, or Streets. Public Works relies on working with the current IT GIS Manager; (1 person) is supporting the entire City."

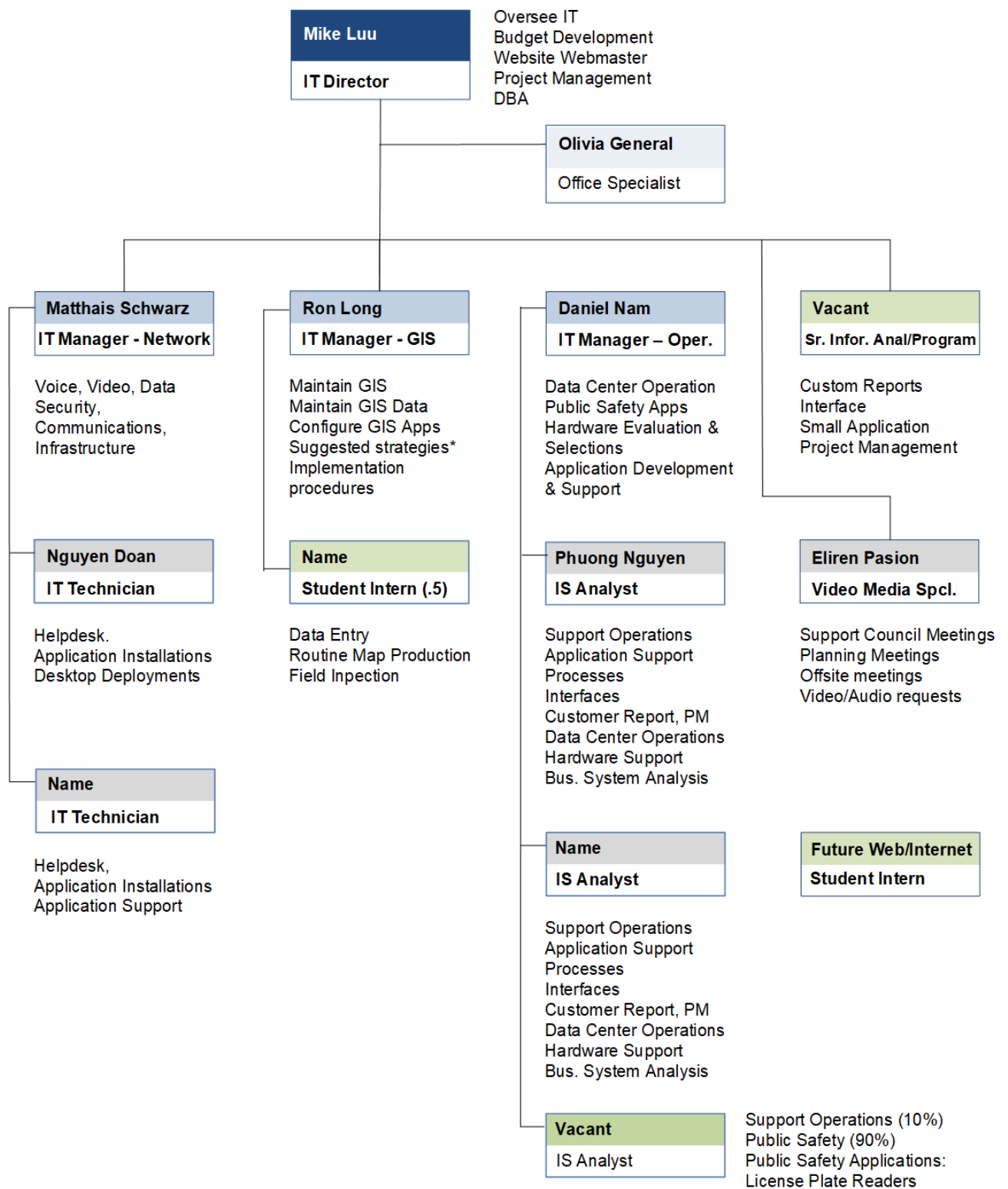


- Planning: Long Range Planning – Currently developing GIS mapping capabilities for planning analysis
- Engineering: “They had major layoffs in 2012. Updating the GIS with as-built records of street improvements. Found 15 sets of maps and have hired contractor to update the GIS system. Just got a GIS Technician to update the GIS. In the past, an IT staff would do some of this.”
- Online Staff Survey comments:
 - *There is a lack of management support (IT); not making staffing a priority.*
 - *IT is grossly understaffed. Service delivery is challenged by this lack of bandwidth.*
 - *IT has very strong, knowledgeable team members, but they are not fully staffed. Workload has been too heavy for far too long and personnel are going to burn out. Hire immediately, restructure and balance workload before you start adding any more initiatives.*
- Additional ThirdWave observations:
 - The existing IT organization lacks clearly defined support functions
 - IT staff are performing tasks without proper professional training
 - IT staff are knowledgeable of, and want to use, best practices but the current organization does not allow them to do so
 - The current IT organization is reactive, and is not positioned to adopt IT Governance, with serious impacts to formal requirements definition, new system vetting, implementation planning, effective project management and successful technology deployments

The City’s current IT organization has a total of thirteen and one-half (13.5) full/part time positions, including four vacant FTEs:

- [1] IT Director
- [1] Office Specialist
- [1] IT Manager – Network
- [1] IT Technician
- [1] IT Technicians (Vacant)
- [1] IT Manager – GIS
- [1.5] Student Interns (Vacant)
- [1] IT Manager Operations
- [1] IS Analyst
- [1] IS Analyst (Vacant)
- [1] IS Analyst (Vacant)
- [1] Sr. Information Analyst/Programmer (Vacant)
- [1] Video Media Specialist

The figure below, IT Organization and Systems Supported, illustrates the existing IT operating model.

**Figure M 1.1: Existing IT Organization and Systems Supported**



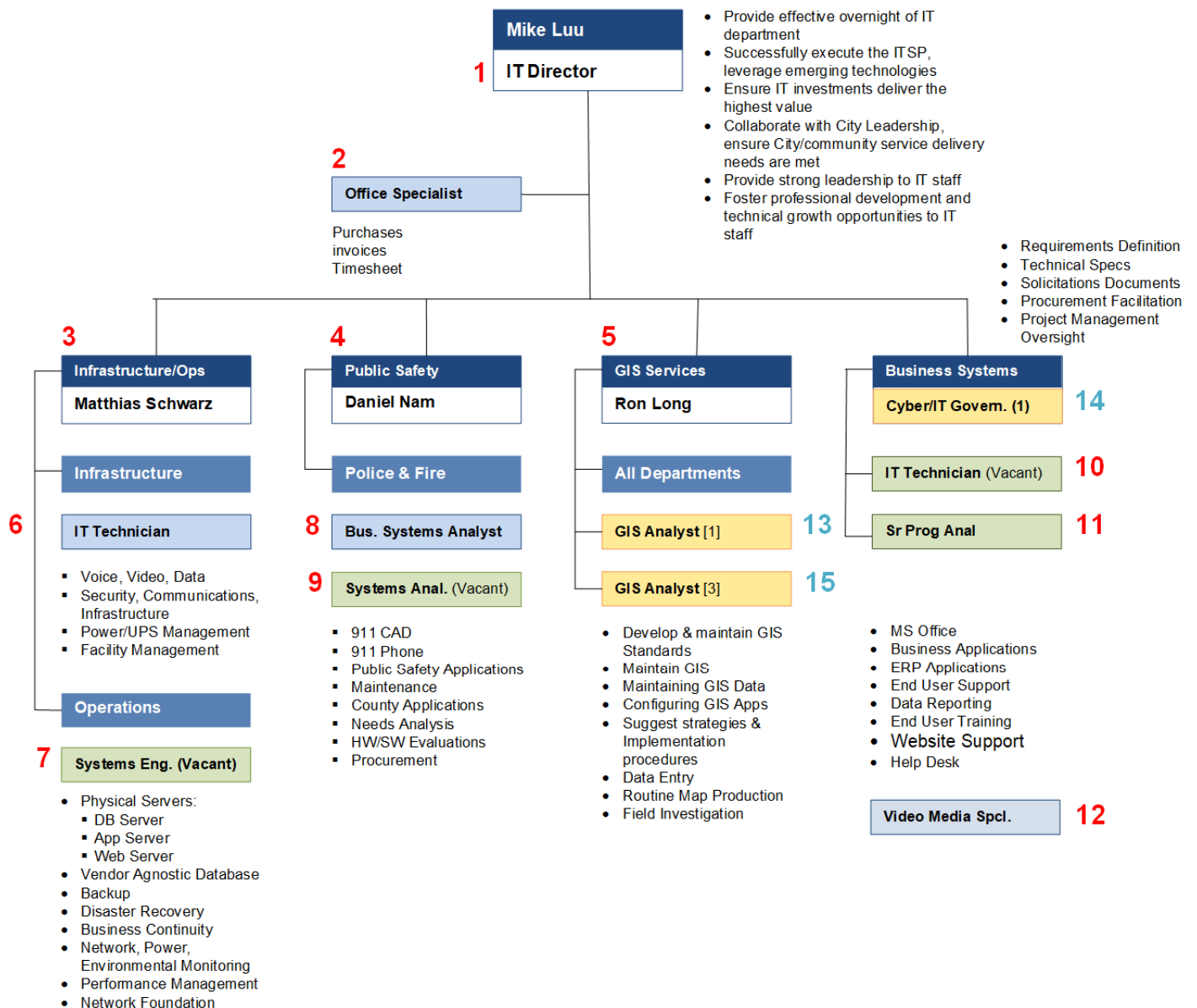
Recommendations:

- Fill all open IT positions as soon as possible, per the proposed IT organization chart
- Adopt a focus on professional development and technical growth for all IT staff
- Restructure the IT organization to reflect clearly defined functional areas, roles and responsibilities including:
 - **IT Director:** This position should be adjusted to focus on IT management activities and less technical ones; more leader and less doer. Emphasis should be on providing IT enterprise direction and oversight, overseeing the implementation of the ITSP Roadmap, working with City leadership to ensure City and community needs are met, and fostering professional development and technical growth of IT staff.
 - **IT Governance / PM:** Incorporate a new function responsible for IT Governance and Project Management. Core responsibilities include formal requirements definition, develop functional and technical requirement specifications, IT Governance, IT solicitation documents/processes, and project management of deployment processes for all hardware, software and professional services including Change Management.
 - **Infrastructure:** This function will include two responsibilities:
 - **Infrastructure:** Will entail collaborating with departments regarding enterprise infrastructure system needs and facility management.
 - **Operations:** The latter will manage the physical servers, databases, backups, Disaster Recovery/Business Continuity and Security.
 - **Public Safety (previously Operations):** This function provides a more clearly defined set of responsibilities related to Police and Fire. It provides dedicated resources to the emergency response systems, deployment and maintenance of public safety applications, including end user technical support for public safety applications. Carry out needs analysis, systems evaluations, and work with the new Business Systems Group on system procurements when that function is in place.
 - **Geographic Information Systems & Spatial Data:** This function will collaborate with departments to develop and maintain GIS standards, the GIS, spatial data, and applications. Recommend GIS strategies and implementation procedures, data entry, routine map production, field investigation and reporting for geocoded and spatial data. Ensure standardized, open storage and accessibility of spatial data to City staff and the public, as appropriate.
 - **Business Systems:**
 - **Customer Services:** This function will provide exemplary IT customer support for MS Office Suite, Business/ERP applications (approximately 40), data analytics/reporting and end user training programs, provided by IT staff or third-party vendors.
 - **Web Services:** Incorporate a new function to address web-enabled technologies including Web Design, the rolling out of new web applications, Web online services, Web Content Management tools and a distributed web content management model across City departments.
 - **Help Desk:** Provide Helpdesk function, telephone, field support services, and responsible for the deployment of laptops and desktops with standard office applications



- Position the IT Department to become a high performing organization:
 - Enable selection, deployment and management of systems with the key focus on user needs, security and business value – with an acute focus on cross functional business processes improvement
 - Focus on enabling customer-centric IT solutions, and the ability to contribute to enhanced service delivery outcomes
 - Base IT initiatives on information automation and knowledge management concepts
 - Adopt performance monitoring of IT deployments from the end user perspective
 - Implement performance benchmarks in managing all IT operations
- Enhance IT management communications:
 - Hold regular, well structured, department meetings to communicate, coordinate and gauge progress of IT initiatives
 - Assign IT managers with authority to manage their functions and hold them accountable for results produced
 - Adopt a practice where input of the IT Director is valued

Figure M 1.1.2, Figure M 1.2: Proposed IT Organization & Systems Supported, on the following provide the proposed IT resources and possible corresponding areas of responsibilities.

**Figure M 1.2: Proposed IT Organization & Systems Supported****Legend**

| |
|------------------------------|
| Existing IT Function & Staff |
| Staff Name |

Existing IT Function & Staff

| |
|-------|
| Title |
|-------|

Existing IT Staff

1 Existing IT Staff

| |
|------------------------------|
| Proposed IT Function & Staff |
| New Mng. Analyst [2] |

Proposed IT Function & Staff

| |
|----------|
| (Vacant) |
|----------|

Vacant, Budgeted Position

13 Proposed IT Staff over 5 Years

| |
|----------------------|
| Proposed IT Function |
| Help Desk |

Proposed IT Function

| |
|-----------|
| Title [1] |
|-----------|

New Position [1] indicates year to add position



The figure below illustrates the proposed sequence of resourcing the IT department.

Figure M 1.3: 5-Year IT Resourcing Plan

| Existing FTE/Titles | Existing FTE - 2020 | New Year 1 - 2021 | New Year 2 -2022 |
|---------------------------------|-----------------------------|---------------------------------------|---------------------------------------|
| IT Director | IT Director | IT Manager - Bus Syst | Manage. Analyst |
| Office Specialist | Office Specialist | GIS Analyst | Systems Eng. |
| IT Manager – Network | IT Manager: Infrastructure | Bus, Systems. Anal. | GIS Appl. Spcl. |
| IT Technician | Infrastructure Systems Eng. | Systems Eng. | Field Tech. |
| IT Technician (Vacant) | IT Technician | | |
| IT Manager – GIS | IT Manager: GIS | | |
| Student Interns (Vacant) | Student Interns | | |
| IT Manager Operations | IT Manager: Public Safety | | |
| IS Analyst | Business Systems Analyst | | |
| IS Analyst (Vacant) | Public Safety Systems Eng. | | |
| IS Analyst (Vacant) | Web Analyst | | |
| Sr. Infor. Anal./Prog. (Vacant) | Operations: Systems Eng. | | |
| Video Media Specialist | Video Media Specialist | | |
| 13 FTEs | 13 FTEs | +4 FTEs Net FTEs: 17 | +3 FTEs Net FTEs: 20 |

Benefits:

- Better management of overall staff allocation of resources
- Focused tasks for each IT group
- Formal use of best practices will enhance project implementations
- Streamlined workflow with specific responsibilities
- Increased accountability
- Enhanced customer support
- Foster IT Governance

Note: The City should do an assessment of staffing levels at the end of year 1 and 2.

M 2 IT Governance

Information Technology Governance is a best practice used by progressive organizations that seek to implement business controls that entail the proper planning, approving, budgeting and purchasing of Information Technologies and professional services.

Adopting IT Governance often requires cultural change in how Information Technology and the IT Department are perceived in the organization. It necessitates adjusting the relative importance of the IT organization and IT staff assigned to successfully implement and support strategic Information Systems.





Findings:

- The need for IT Governance came up in numerous Rapid Workflow® workshops including:
 - Enterprise GIS Workshop [RW 2]
 - Fire Department [RW 10]
 - Occupancy Master Database Enterprise Workshop [RW 12]
 - Finance [RW 14]
- The need for IT Governance came up in the IT Focus Groups with IT staff:
 - Infrastructure Initiatives
 - Hardware Initiatives
 - Operational Sustainability
- The need for IT Governance was raised in the PIO management interview

There is a whole body of knowledge on the ramifications of not having IT Governance. Consequences identified in the ITSP project include the following:

- IT is not involved in the IT procurement/implementation decision making
- The lack of IT Governance is resulting in multiple systems and soloed data
- Lack of SME/stakeholders/business process owner's engagement and buy-in
- Lack of standardization of hardware and application software
- Inability to adopt Enterprise Architecture standards
- Departments are not aware of other department IT purchases, and miss opportunities for economies of scale
- Critical department and enterprise systems have been implemented without proper requirements definition, vetting and enterprise vision
- The IT organization lacks prior knowledge of technology procurements and finds out that they are required to support them after the fact
- Lack of technology standards and inefficient use of limited IT funds
- IT staff are adversely impacted by having to support non-standard technologies, and in some cases (because of a lack of knowledge or expertise in non-standard systems) simply cannot support those non-standard technologies
- Adversely affects customer service, because of a lack of knowledge on non-standard systems
- IT operational inefficiencies are impacted as IT staff are required to research and support systems that do not adhere to the City's Enterprise Architecture standards

Recommendations:

- Adopt a formal, IT Governance best practice

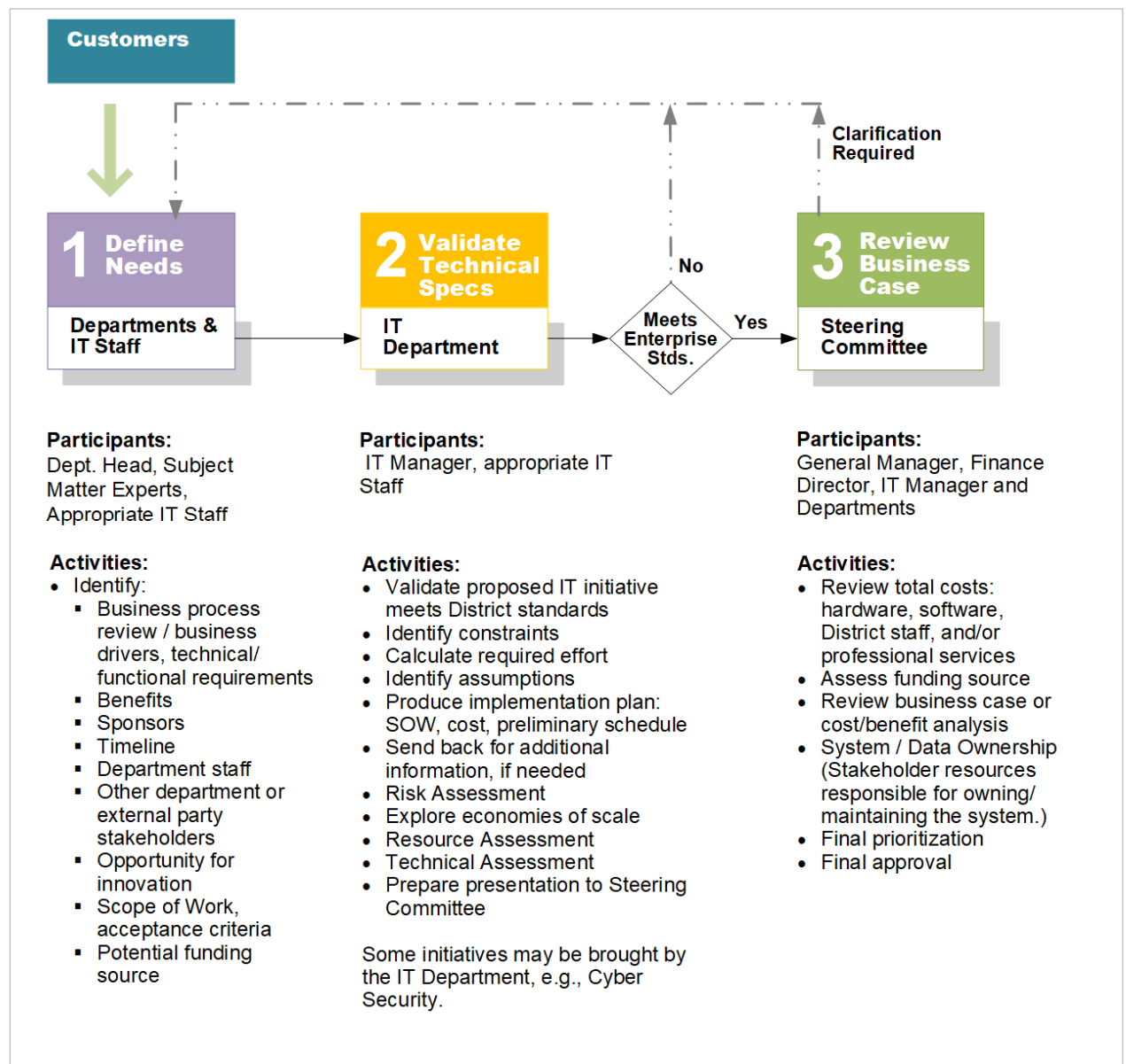
Benefits

IT Governance involves the adoption of formal processes, policies and practices and well-defined roles of all stakeholders (staff, IT staff, and the leadership team) to accomplish the following:

- Identify IT requirements that are responsive to the unique needs of each department
- Specify IT solutions and required resources to successfully implement technology
- Vet proposed projects prior to procuring Information Technologies
- Ensure a common IT Enterprise Architecture
- Prioritize IT initiatives and related expenditures
- Optimize investments in IT by eliminating the procurement of dissimilar technologies and taking advantage of economies of scale



Figure M 2.1: Proposed IT Governance Process





M 3 Training

M 3.1 End User Training

The need for improved end user training came up repeatedly throughout the project; it was the second most mentioned requirement in all requirements tasks, e.g., Management Interviews, IT Focus Groups and Rapid Workflow® workshops. Training was identified 8 times in all the above.

The Online Staff Survey revealed that End User Training was noted as an area requiring the most improvement by 30.19% of staff, 4th out of 12 areas.

The IT Focus Groups revealed the following:

- IT Staff does not have time to get systems training
- IT staff lacks training on the following:
 - Project Management Training (for everyone)
 - Application specific training: GIS
 - Infrastructure: Cisco
 - Report writing: SSRS, Crystal, High Level SQL Server Scripting

Recommendations:

- Recently increased the training budget from 5k/year for the IT team to 50k/year (Roughly 5k per person), IT staff should be given the opportunity to take advantage of this
- Implement formal, tole-based training for IT and end user staff
- Establish a training room for city-wide training

Benefits:

- Improved staff knowledge
- Improved customer service
- Improved staff empowerment
- Better able to support existing and emerging technologies
- More efficient use of staff resources
- Improved ability to gauge project status: scope, schedule and cost
- Increased likelihood of successful implementation and IT Return on Investment

M 4 Change Management

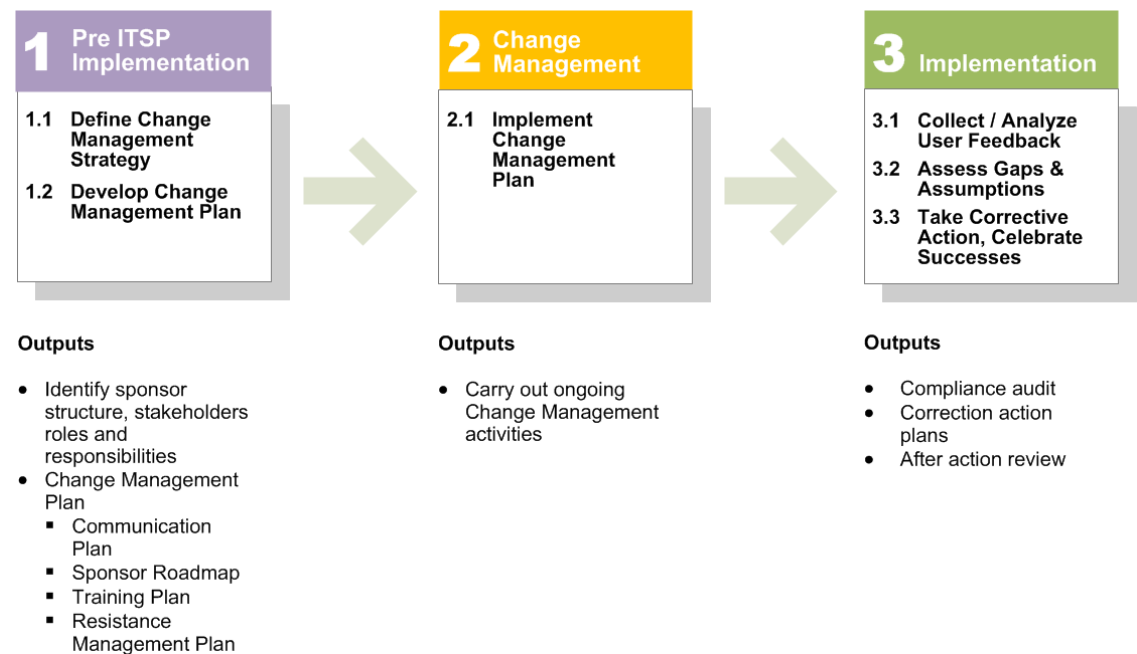
Change Management is the process, tools and techniques used to manage the people-side of changed business processes in adopting new technologies to achieve required outcomes. Change Management ensures effective change with end users and the wider organization.

Findings:

- The ITSP project identified a number of technology initiatives which were implemented without change management. The predictable outcome was low or poor user acceptance.
- The City is currently implementing, and will implement, significant new technologies. If change management is overlooked, it will impede the desired results and the highest likelihood of success.

**Recommendations:**

- Adopt and implement Change Management Best Practices as ITSP initiatives are implemented. There are a number of Change Management models which can be considered. The one below illustrated below is a common one, which incorporates the key components of an effective Change Management program.

Figure M 4.1: Proposed IT Change Management Model

- Implement a formal Change Management Process, with the following activities:
 - **Sponsor Roadmap:** Identify the sponsor structure, stakeholder roles and responsibilities at the beginning of the project, during the planning phase
 - **Communication Plan:** Establish and execute a communication plan to support ITSP initiatives; possible components could include (but not be limited to) the following:
 - Publish an ITSP Newsletter posted on the City's Intranet, highlighting current and planned IT initiatives, highlighting how suggestions made by staff in the ITSP Project are being carried out; Celebrate End User and IT successes
 - Publish an ITSP Newsletter posted on the City's Website
 - Notify the public of planned and ongoing initiatives that will improve customer service
 - Celebrate E-Government success stories
 - Establish End User Groups of newly deployed technologies
 - Encourage and recognize the participation of "Super Users" (staff who become highly proficient in the use of new technologies)
 - Establish City, Community, Business forums to discuss ongoing and planned ITSP initiatives
 - **Training Plan:** Implement the training recommendations in the ITSP, formalizing an ongoing IT training program for City staff on all solutions identified in the ITSP; Develop a curriculum of classes, prerequisites, and course descriptions



- **Resistance Management Plan:** Provide feedback mechanisms for staff and management to provide feedback on the technologies being implemented, such as:
 - Suggestion Box or User Tips on the City's Intranet
 - End User Groups (Quality Circles) for different technologies and/or disciplines
 - Carryout a Post Implementation Evaluation of the ITSP on a yearly basis
 - Utilize performance measurement techniques to gauge the ITSP implementation progress
 - Make necessary adjustments to planned initiatives based on changing business and/or service delivery requirements and financial position of the City
 - Make necessary changes to planned initiatives based on changes or innovations in technology that significantly affect the return on investment

Benefits:

Change Management will allow the City to achieve the following:

- Implement a formal process for facilitating the most efficient implementation of the ITSP initiatives, via clear executive sponsorship and leadership
- Foster enterprise communication and coordination
- Provide a mechanism to identify and address staff objections and resistance early, allowing the City to take steps to mitigate concerns and reduce risk before they become significant issues
- Provide the highest likelihood of success



Section 5 Appendix



5.1 Recently Completed Information Technology Projects

The following information was provided by the City IT Department. ThirdWave did not review these projects in the course of the IT Strategic Plan. Thus, ThirdWave cannot confirm the successful deployment of these systems and the degree of end user acceptance. Moreover, there are a number of projects in this list that are, in fact, not completed – and they are shown with an asterisk.

1. LAN/WAN Network Upgrade: Replaced major network equipment, WiFi Access points, new hardware for the Cisco VoIP system and upgraded it to the latest releases)
2. Agenda Management Software
3. Procurement and Contracts Management: Completed Procurement piece, implementing Contracts Management. *
4. NeoGov: Completed Applicant Tracking module and E-forms. Implementing Onboarding, integration with Cayenta, Performance Review, and Position Control
5. Financial and Utility Billing System Upgrade – Scheduled for go live in April 2020 *
6. Office 365 – Email and Office 365 applications migrated. Continue to push more applications but waiting for bandwidth upgrade from 100MB to 500MB. *
7. Lucity: PW Work Orders Management.
8. See-Click-Fix (311): will go live in August *
9. Electronic Plans Submittal: Plans redlining software.
10. Smart Water Meters (35 gateways are installed – New meters are enabled to be on the network. The next major phase is to replace old meters.



11. Radios Replacement Project for PD, Fire and PW: Part of Countywide project, went live on February 4, 2020.
12. Station Alerting: went live on February 4, 2020.
13. Netfile – Form 700 filing. Training provided on February 6 and 7. Working on campaign filings to be completed in June 2020 *
14. Monsido: Website WCAG compliance.
15. SeamlessGov: External Electronic forms.
16. Telestaff Upgrade
17. Electronic Timesheet
18. Installed External Security Cameras for PW, PD and IT.

5.2 Planned for 2020-2021 IT Work Plan

1. Intterra Incidents Dashboard for Fire: Completion scheduled for May 2020
2. New Disaster Recovery/BC evaluate and test
3. Review and Implement NIST Cyber Security Framework
4. Develop and Implement IT Governance
5. Badge Security System and Cameras for Fire Stations
6. Computer Aided Dispatch (CAD) Upgrade and Rehost to Nutanix Hyper-Converged
7. TRAKiT Upgrade: This is a major upgrade to the electronic permitting system with heavy use of GIS
8. GIS Assets (water, sewer, utility) trees, signs, meter: GIS Master Plan
9. Mobile Desktop in PD and Fire vehicles
10. Replace LED sign, TV Displays
11. Cybersecurity enhancement and assessment



5.3 IT Focus Group Data

Four Focus Groups were held with IT staff to gather their input on the City's Information Technology portfolio, operation and service delivery. The following illustrates the challenges and opportunities facing the City in four key technology areas as perceived by IT staff:

- Infrastructure
- Hardware Investment & Management
- Application Software
- Sustainability & Service Delivery

Legend:

- M** ■ Management Issues: IT management, finance, organizational structure, staffing, training, policies.
O ■ Operational Issues: related to operations, service delivery, methods and/or procedures.
T ■ Technology Issues: related to any aspect of information technology.

| 1. | Infrastructure | M | O | T |
|-----|---|---|---|---|
| 1.1 | LANs/WANs, Network Infrastructure | | | |
| | 1. The City lacks a long-term focus on infrastructure replacement cycle, fiber, and facilities planning | | | ■ |
| | 2. There is no established policy or process, or overarching governance | ■ | | |
| | 3. Leadership does not have cost allocation awareness..... | ■ | | |
| | 4. Do not have a rough order of magnitude on associated ongoing costs | ■ | | |
| | 5. Shortage of staff | ■ | | |
| 2. | Hardware | M | O | T |
| 2.1 | Servers: Application, Database and Web Servers | | | |
| | 1. Lack of standardization, mostly application software | | | ■ |
| | 2. Lack of standard centralized server management | | | ■ |
| 2.2 | Computers: Including Current Desktops, Laptops, and Operating Systems | | | |
| | 1. Lack of governance and the "freewheeling" selection of software | ■ | | |
| 2.3 | Peripherals | | | |
| | 1. Countless printer, multi-function device models..... | | | ■ |
| | 2. No business needs assessments done for new printers..... | | ■ | |
| | 3. Have more printers per person than other organizations..... | | ■ | |
| 2.4 | Mobile Devices: Laptops, Tablets, Smart Phones | | | |
| | 1. There has been no governance on who should get a mobile device..... | ■ | | |
| | 2. There has been no concerted effort for decision making | ■ | | |
| | 3. There is no commitment to centralized management of mobile devices | ■ | | |
| | 4. City lacks a policy for the utilization of City devices versus BYOD | ■ | | |
| | 5. There is no security footprint | ■ | | |
| | 6. Not clear who should have VPN access | ■ | | |



| 3. | Software | M | O | T |
|-----|---|---|---|---|
| 3.1 | Department Software | | | |
| | 1. Access 97 is used to run reports; IT lacks knowledge to support it. | | | ■ |
| 3.2 | CIP Software in Engineering, Access 97 | | | |
| | 1. IT lacks the KSA's to support this..... | ■ | | |
| 3.3 | Fire Prevention, FileMaker | | | |
| | 1. FileMaker is not being used properly, not open | | | ■ |
| 4. | IT Services | M | O | T |
| 4.1 | Applications Team | | | |
| | 1. The City does not have an Applications team | ■ | | |
| 4.2 | IT Staff Skills & Training | | | |
| | 1. IT staff lack the time to get training | ■ | | |
| | 2. Project Management Training (for everyone)..... | ■ | | |
| | 3. Application specific training: GIS | ■ | | |
| | 4. Infrastructure: Cisco | ■ | | |
| | 5. Report writing: SSRS, Crystal, High Level SQL Server Scripting | ■ | | |
| 4.3 | End User Training | | | |
| | 1. The City lacks IT sponsored formal ongoing training | ■ | | |
| 4.4 | IT Governance | | | |
| | 1. Lack IT Governance | ■ | | |
| 4.5 | Project Management/Tracking | | | |
| | 1. Do not have a formal structure for Project Management or tracking..... | ■ | | |
| | 2. Project Management is viewed as holding up the project..... | ■ | | |
| | 3. The contracted Project Management does not communicate..... | ■ | | |
| 4.6 | Tested Business Continuity and Disaster Recovery Plans | | | |
| | 1. Business Continuity and Disaster Recovery plans are written but it has not been tested | ■ | | |
| | 2. Systems have changed and major system rearrangement has occurred without updating these documents..... | ■ | | |
| 4.7 | Help Desk Staff | | | |
| | 1. Lack of Help Desk staff | ■ | | |



5.4 Glossary of Terms

| | Term | Definition |
|----|---|--|
| 1. | Access Control | The term “access control” denotes a technique used to define or restrict the rights of individuals or application programs to obtain data from, or place data onto, a storage device. |
| 2. | Administrator | A role responsible for the day-to-day operation of the corporate records management policy. The tasks attributed to Administrators may be divided between several roles, with titles such as Records Manager, Records Officer, Archivist, etc. |
| 3. | As-Is Business Process Map | Graphical business process model used to depict the existing condition of a business process. Used for the analysis of current business process steps and activities. Typically produced with input from business subject matter experts/business process owners. |
| 4. | Automated Workflow | The tasks, procedural steps, organizations or people, required input and output information, and tools needed for each step in a business process. A workflow approach to analyzing and managing a business process can be combined with an object-oriented programming approach, which tends to focus on documents, data, and databases. This is commonly referred to as “Automated Workflow.” |
| 5. | Backbone | Another term for bus, the main wire that connects nodes. The term is often used to describe the main network connections composing the Internet. |
| 6. | Bulk Load | An automatic data import of scanned documents utilizing the indexing schema attributes for subsequent search and retrieval of electronic documents/records stored in an ECMS. |
| 7. | Business Intelligence (BI) | Often described as the set of techniques and tools for the transformation of raw data into meaningful and useful information for business analysis purposes. BI technologies are capable of handling large amounts of unstructured data to help identify, develop and create new strategic business opportunities. BI allows for the easy interpretation of large volumes of data. Identifying new opportunities and implementing an effective strategy based on insights, providing businesses with a competitive market advantage. BI technologies provide historical, current and predictive views of business operations. Common functions of business intelligence technologies are reporting, online analytical processing, analytics, data mining, process mining, complex event processing, business performance management, benchmarking, text mining, predictive analytics and prescriptive analytics. |
| 8. | Business Process Improvement (BPI) | Business process improvement (BPI) is a systematic approach to help an organization optimize its underlying processes to achieve more efficient results. The methodology was first documented in H. James Harrington's 1991 book Business Process Improvement. |



| | Term | Definition |
|-----|---|---|
| 9. | CCTV | Closed-circuit television (CCTV), also known as video surveillance, is the use of video cameras to transmit a signal to a specific place on a limited set of monitors. |
| 10. | Change Management | An approach to transitioning individuals, teams, and organizations to a desired future state. It focuses on how people and teams are affected by an organizational transition. It deals with many different disciplines, from behavioral and social sciences to information technology and business solutions. In a project management context, change management may refer to the change control process wherein changes to the scope of a project are formally introduced and approved. |
| 11. | Customer Relationship Management Software | Customer Relationship Management, CRM, entails all aspects of interaction a company has with its customer, whether it be sales or service related. |
| 12. | Departmental Software | Software providing functionality specific to a department in an organization, features and functions not required by any other department. In government, an example might be a Library Information System or Police Department 911 system, both systems which no other department requires. Departmental application software solves department specific problems and may integrate with enterprise systems. |
| 13. | DOD 5015.2 | Design Criteria Standard for Electronic Records Management Applications, DOD 5015.2-STD: A DOD and NARA approved set of requirements for Electronic Records Management applications. |
| 14. | E-Commerce | E-commerce is business that is conducted over the Internet using any of the applications that rely on the Internet, including interactive and transactional functions, e.g., online payments, registration and application submittals. |
| 15. | E-Government | A generic term that refers to any government functions or processes that are carried out in digital form over the Internet. Local, state and federal governments essentially set up central websites from which the public (both private citizens and businesses) can find public information, download government forms and contact government representatives. |
| 16. | Electronic Document Management System (EDMS) | Functionality to support the computerized management of electronic and paper-based documents. Associated components include a system to convert paper documents to electronic form, a mechanism to capture documents from authoring tools, a database to organize the storage of documents, and a search mechanism to locate the documents. |



| | Term | Definition |
|-----|--|---|
| 17. | Enterprise Architecture (EA) | A discipline for proactively and holistically leading enterprise responses to disruptive forces by identifying and analyzing the execution of change toward desired business vision and outcomes. EA delivers value by presenting business and IT leaders with signature-ready recommendations for adjusting policies and projects to achieve target business outcomes that capitalize on relevant business disruptions. |
| 18. | Enterprise-wide | Deployment or use of a single software application throughout all departments, divisions, or components of the organization. |
| 10. | Enterprise Content Management System (ECMS) | An automated system with the functionality to capture, manipulate, retrieve, and publish the entire inventory of digital assets (e.g., web pages, office documents, databases, scanned images, e-mail) created by an organization. |
| 20. | Electronic Record | The information recorded in a form that requires a computer or other machine to process it and that satisfies the legal definition of a record according to section 3301 of Title 44 of United States Code (USC). |
| 21. | Electronic Records Management System (ERMS) | A collection of hardware, software, staff, policies, and procedures that work in concert to enable an agency to effectively manage records electronically. A software product that identifies, classifies, and disposes of records according to specified records disposition policies. |
| 22. | Enterprise Resource Planning System (ERP) | Business management software that allows an organization to use a system of integrated applications to manage the business: e.g., Finance, Human Resources, Asset Management, Customer Relationship Management, Project Management, Business intelligence, to name a few. |
| 23. | Enterprise Software | Enterprise applications (e.g. CRM, ERP, BI) assist an organization in solving enterprise/City-wide problems. They integrate with other enterprise systems. |
| 24. | E-Services | <p>The concept of e-service (short for electronic service) represents one prominent application of utilizing the use of information and communication technologies (ICTs) in different areas.</p> <p>E-Service constitutes the online services available on the Internet, whereby a valid transaction of buying and selling (procurement) is possible, as opposed to the traditional websites, whereby only descriptive information is available, and no online transaction is made possible.</p> |
| 25. | Ethernet | A local-area network (LAN) architecture that uses a bus or star topology and supports data transfer rates of 10 Mbps. |



| | Term | Definition |
|-----|--|---|
| 26. | Fiber Optics | A high-bandwidth transmission technology that uses light to carry digital information. One fiber telephone cable carries hundreds of thousands of voice circuits. These cables, or light guides, replace conventional coaxial cables and wire pairs. Fiber transmission facilities occupy far less physical volume for an equivalent transmission capacity, which is a major advantage in crowded ducts. Optical fiber is also immune to electrical interference. |
| 27. | File Plan | A document containing the identifying number, title, description, and disposition authority of files held or used in an office. |
| 28. | E-Forms | Program development tools that build applications by designing electronic forms for data entry, updates or processing. Electronic forms are generally designed with visual programming tools that allow fields, buttons and logos to be drawn directly on screen. |
| 29. | E-Signatures | An electronic sound, symbol, or process attached to or associated with a contract or other record and used as the legal equivalent of a written signature. |
| 30. | Geographic Information System (GIS) | GIS is a collection of computer hardware, software and geographic data for capturing, managing, analyzing and displaying every form of geographically referenced information, often called spatial data. |
| 31. | Intermediate Distribution Frame (IDF) | An intermediate distribution frame (IDF) is a distribution frame in a central office or customer premises, which cross-connects the user cable media to individual user line circuits and may serve as a distribution point for multipair cables from the main distribution frame (MDF) or combined distribution frame (CDF) to individual cables connected to equipment in areas remote from these frames. IDFs are used for telephone exchange central office, customer-premises equipment, wide area network (WAN), and local area network (LAN) environments, among others. |
| 32. | Image Capture (scanning) | A process whereby documents are scanned into a system and stored electronically. Imaging is the digital capture, storage, manipulation and delivery of copies of digitized originals, which may be texts, manuscripts, pictures or other information types. |
| 33. | Infrastructure | An enterprise's entire collection of hardware, software, networks, data centers and facilities used to develop, test, operate, monitor and/or support information technology services. |
| 34. | Interoperability | The ability of software and hardware on different machines from different vendors to share data. |
| 35. | Internet Service Provider (ISP) | Refers to a company that provides Internet services, including personal and business access to the Internet. |



| | Term | Definition |
|-----|--|--|
| 36. | IT Governance (ITG) | The processes that ensures the effective and efficient use of IT in enabling an organization to achieve its goals. IT demand governance (what IT should work on) is the process by which organizations ensure the effective evaluation, selection, prioritization, and funding of competing IT investments; oversee their implementation; and extract measurable business benefits. ITG is a business investment decision-making and oversight process, and it is a business management responsibility. IT supply-side governance (how IT should do what it does) is concerned with ensuring that the IT organization operates in an effective, efficient and compliant fashion, and it is primarily a CIO responsibility. |
| 37. | ITS | Short for Federal Intelligent Transportation Systems, it is a broad range of wireless and wired communications-based information and electronics technologies that are integrated into transportation system and in vehicles themselves. ITS is made up of 16 types of technology-based systems. |
| 38. | Life Cycle | The records life cycle is the life span of a record from its creation or receipt to its final disposition. It is usually described in three stages: creation, maintenance and use, and final disposition. |
| 39. | Metadata | In the context of records management, meta-data is the structured or semi-structured information which enables the creation, management and use of records through time and within and across domains in which they are created. |
| 40. | Open Data | The idea that some data should be freely available to everyone to use and republish as they wish, without restrictions from copyright, patents or other mechanisms of control. The goals of the open data movement are similar to those of other "Open" movements such as open source, open hardware, open content, and open access. The term "open data" is recent, gaining popularity with the rise of the Internet and World Wide Web and, especially, with the launch of open-data government initiatives such as Data.gov and Data.gov.uk. |
| 40. | Optical Character Recognition (OCR) | The recognition of printed or written text characters by a computer. This involves analysis of the scanned-in image and then translation of the character image into character codes, such as American Standard Code for Information Interchange (ASCII). OCR is applied to image (raster) files to create text-searchable files. |
| 41. | PBX System | A private branch exchange (PBX) phone system that's delivered as a hosted service, typically by one of the major telephone companies. |
| 42. | Portable Document Format (PDF) | This format is proprietary to Adobe Inc. and is widely used as a de-facto data exchange method. |



| | Term | Definition |
|-----|---|--|
| 43. | ThirdWave Rapid Workflow Process Modeling® | US Patent 8615423 B1: A method of rapid workflow process modeling, which is established according to a triangulation principle. The method integrates issues of management, operation and technology including information technology that are three fundamentals of a triangulation principle to characterize challenges and opportunities for process improvement of any organization including military units, governmental agencies and public and private business sectors. Specifically, the method is comprised of seven steps such as the As-Is process mapping, problem statements, impact statements, solution statements, benefit statements, To-Be process mapping and cost benefit analysis for generating a quantitative projection of the business cost reduction. Application of the method is able to comprehensively and effectively address challenges and opportunities for all aspects of the organizational process improvement. |
| 44. | Record | The information, regardless of medium, that details business transactions. Records include all books, papers, maps, photographs, machine-readable materials, and other documentary materials, regardless of physical form or characteristics. Records are made or received by an Agency under Federal law or in connection with the transaction of public business. Records are preserved or appropriate for preservation by that Agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government, or because of the value of data in the record. |
| 45. | Records Manager | Individuals who are responsible for records management administration. |
| 46. | Retention Period | <p>The length of time that a record must be kept before it can be destroyed. Records not authorized for destruction are designated for permanent retention. Retention periods for temporary records may be expressed in two ways:</p> <ul style="list-style-type: none">• A fixed period from the time records in the series or system is created. Normally, a fixed period that follows their regular cutoff dates. For example, the phrase “destroy after 2 years” provides continuing authority to destroy records in a given series 2 years after their creation (normally 2 years after their regular cutoff date).• A fixed period after a predictable event. Normally, a fixed period following the systematic cutoff applied after completion of an event. The wording in this case depends on the kind of action involved. |
| 47. | Retention Schedule | A plan for the management of records listing types of records and how long they should be retained by the organization for business purposes; the purpose is to provide continuing authority to dispose of, transfer, or archive records. |



| | Term | Definition |
|-----|--|--|
| 48. | SAN | A Storage Area Network (SAN) is a network that provides access to consolidated, block level data storage. SANs are primarily used to enhance storage devices, such as disk arrays, tape libraries, and optical jukeboxes, accessible to servers so that the devices appear to the operating system as locally attached devices. |
| 49. | Service-Oriented Architecture (SOA) | An architectural pattern in computer software design in which application components provide services to other components via a communications protocol, typically over a network. The principles of service-orientation are independent of any vendor, product or technology. Services can be combined to provide the functionality of a large software application. ^[3] SOA makes it easier for software components on computers connected over a network to cooperate. Every computer can run any number of services, and each service is built in a way that ensures that the service can exchange information with any other service in the network without human interaction and without the need to make changes to the underlying program itself. |
| 50. | Taxonomy | The study of the general principles of scientific classification: systematics; classification; especially orderly classification of plants and animals according to their presumed natural relationships. Taxonomy is a high-level, hierarchical classification for documents and records that facilitates the management (storage, access, retrieval, revision, archiving, and disposition) of recorded information throughout its life cycle. A taxonomy is a living document that changes as the work within the company changes. It is never final because organizations constantly change their content types, processes and organizational structures. |
| 51. | ThirdWave Strategic Planning Triangulation® Methodology | ThirdWave's Strategic Planning Triangulation methodology is a powerful technique that facilitates validation of data through cross verification from two or more sources. This is accomplished by the collection and synthesis of data from three: Management perspective (Organizational, policy and finance), Operational perspective (business process and practices), and Information Technology perspective (enterprise-wide systems). In particular, it refers to the application and combination of several research methods in the study of the same phenomenon to produce comprehensive and thorough strategies based on a compelling business case. |
| 52. | To-Be Business Process Map | Graphical business process model used to depict the future state (To-Be) condition of a business process. Used for the design of a reengineered business process steps and activities. Typically produced with input from business subject matter experts/business process owners. |



| | Term | Definition |
|-----|------------------------------|--|
| 53. | Waterfall Methodology | The waterfall model is a sequential design process, used in software development processes, in which progress is seen as flowing steadily downwards (like a waterfall) through the phases of conception, initiation, analysis, design, construction, testing, production/implementation and maintenance. |
| 54. | Web Browser | Web browser is a software application used to locate, retrieve and display content on the World Wide Web, including Web pages, images and video. |
| 55. | Wi-Fi | Wireless-Fidelity certification mark issued by the Wi-Fi Alliance to certify that a product conforms to the 802.11b, g and a standard for WLANs. |
| 56. | XO ISP Bandwidth | Bandwidth Shaping. The process of manipulating, managing or controlling (shaping) portions of a network connection to the outside world and determining an allowed bandwidth consumption based on types of activities. The term is commonly used in conjunction with Internet Service Providers (ISP), where it refers to a tool that is used to limit or direct bandwidth consumption by users. |

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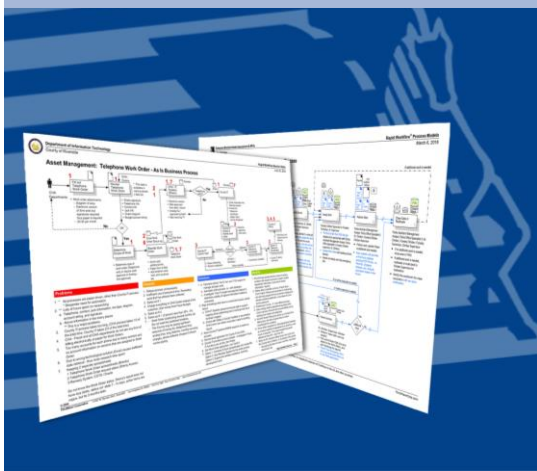
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Information Technology Strategic Plan & Roadmap

Volume 2: ITSP Roadmap

January 18, 2020



32
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Section 1 Introduction



1.1 Introduction to the ITSP Implementation Roadmap

This document provides the City of Milpitas a five-year ITSP Implementation Roadmap (Roadmap), including prioritized and phased Information Technology initiatives. The Roadmap addresses the acquisition and implementation of strategic business technologies, in addition to addressing the sustainability of the ITSP Roadmap with IT human resources.



Part 1 of the ITSP Roadmap, the Information Technology Strategic Plan Findings and Recommendations document articulates “what” should be undertaken. This document is a management tool that defines “when” ITSP Roadmap initiatives might be carried out and what investment.

As with any planning document, the ITSP Roadmap should be revisited and refreshed on a yearly basis. Updates should consider changing circumstances in a variety of areas: e.g., City organization, community demographics, emerging Information Technologies, and fluctuations in the state of the economy.

The following pages lay out a pragmatic ITSP Roadmap that will ensure the successful deployment of the IT Strategic Plan, and reflects sound investments in technologies specific to the City of Milpitas, addressing the following:

- The criteria used to prioritize ITSP Roadmap Initiatives;
- Implementation Roadmap over a 5-year timeline; and,



- Resources required to sustain the ITSP implementation.

1.2 ITSP Vision, Mission and Values

The following outlines the City of Milpitas's ITSP Implementation Roadmap (Roadmap) vision, mission and values:

Vision

Provide a comprehensive roadmap fostering the use of proven state-of-the-practice Information Technologies in the most strategic, innovative, cost effective and efficient manner possible to support internal City operations, extraordinary customer service delivery, civic participation and community wellbeing.



Mission

Ensure IT investments and strategic business technologies are customer focused, sound, and deliver the highest possible value to the City and its constituents.

Implementation Values

Information Technology actions are guided by values integral to everything the City's IT organization does:

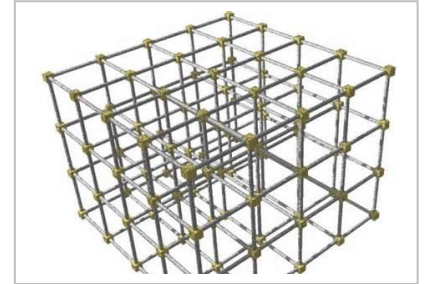
- Excellence:** Lead with a clear vision, communicate, form partnerships, and take full ownership and responsibility in fulfilling our mission. Our Information technology work is relevant, timely, and delivered with superior customer service that reflects our commitment to collaboration and the highest standards of quality.
- Transparency:** Uphold a standard of municipal transparency, accountability, and reliability. We conscientiously run our IT operations to promote a City workforce that is worthy of the public trust.
- Innovation:** Constantly seek new ways to accomplish our work through efficiencies and collaboration to generate extraordinary transformative results. We are dedicated to delivering creative, innovative and forward-looking technology solutions.



1.3 ITSP Roadmap Framework

The ITSP Roadmap will foster a transformative framework for how the City leverages its Information Technologies.

The City of Milpitas will embrace Information Technology as a strategic enabler, embedding it as a critical and fundamental component in all the City does. The City will continue to ensure the use and application of Information Technologies stays aligned with and supportive of an efficient and responsive delivery of services to all of the City's constituents – residents, businesses, and visitors.



By aligning Information Technology in support of the City's business and service delivery processes, Milpitas will become a more agile organization that is better able to support the City's business model. Moreover, the Roadmap will allow the City to leverage emerging trends and evolving technologies. Through investment in IT, the City will develop and implement innovative and cost-effective approaches for improving the quality and delivery of needed services to its constituents.

1.4 ITSP Implementation Roadmap Objectives

The objectives of the ITSP Implementation Roadmap are to:

- Develop a high performance and reliable Citywide IT infrastructure to support the dynamic requirements of the City;
- Align the City's IT initiatives with the City's strategic plans while ensuring the City's responsibilities and priorities are recognized and taken into account;
- Invest in IT systems based on a rational and impartial assessment of both quantitative and qualitative benefits, and a realistic assessment of project costs, benefits and risks;
- Reduce the cost of operations and service delivery, while improving the quality of services delivered to customers through responsible IT investment; and,
- Deliver IT services internally to the City and externally to the residents of Milpitas in a cost-effective manner.



1.5 ITSP Implementation Roadmap Guiding Principles

ThirdWave recommends that the City of Milpitas adopt a new set of guiding principles related to the implementation of Information Technologies. Many of the following have not historically been in place due to the City's business model and the lack of IT staff.



ThirdWave recommends the following principles be adopted for implementing the ITSP Roadmap:

- | | |
|-------------------------------|--|
| 1. Leadership | Embrace technology as a strategic enabler and utilize IT to improve the way City staff perform their jobs and deliver services to residents and businesses. |
| 2. Communications | Foster effective communications between the City and constituents to keep all parties involved and informed on the progress of IT initiatives. Milpitas will keep the public informed on the use of technology in the City via its website, Open Data/Citizen Engagement and other means. |
| 3. IT Governance | Adopt a formal management process to ensure that IT initiatives are properly vetted for consistency with the ITSP Implementation Roadmap, IT industry trends, are fiscally sound, and are effective in improving operating efficiencies and customer service prior to proceeding with IT initiatives. |
| 4. Enterprise Approach | Encourage an enterprise approach when procuring, implementing and managing the City's Information Technologies. The City will utilize state-of-the-practice technology ensuring investments are effectively leveraged across departments, businesses and constituents while employing economies of scale wherever possible. Information Technologies will foster cost containment and/or the highest return on investments possible. |
| 5. Accountability | Create an environment that encourages accountability through service level agreements, performance measures and individual responsibility, including the City contracted service providers. |
| 6. Proven Technology | Implement contemporary, but proven, technologies that maximize future options by emphasizing open standards. Applications should use Commercial Off-the-Shelf software wherever possible, and should be web based, wireless ready, employing a Service Oriented Architecture, and GIS compatible, where appropriate and applicable. |



-
- | | |
|------------------------|---|
| 7. Efficiencies | Decisions regarding funding for future technology initiatives should be based on a Business Process Improvement assessment using a formal and standard Continuous Improvement methodology. The resulting data will be used to produce a comprehensive business case that takes both tangible and intangible costs and benefits of the project into account. |
|------------------------|---|
-
- | | |
|---------------------------------|--|
| 8. Strategic Investments | IT assets, systems, skills and support operations will be viewed as strategic investments that are critical in attaining internal City-wide business and external service delivery objectives. |
|---------------------------------|--|
-
- | | |
|------------------------|--|
| 9. Partnerships | The City will maintain partnerships with outside Information Technology firms, consultants and regional government organizations to undertake collaborative efforts in the provision of information and services, and obtain expert advice and knowledge of IT trends. |
|------------------------|--|
-
- | | |
|--------------------------|---|
| 10. Accessibility | Implement Information Technology that provides all internal and external customers easy and timely access to online information and services. The City will strive to make data available for the benefit of the public subject only to the need to protect the privacy of individuals. |
|--------------------------|---|
-
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Section 2 ITSP Initiatives



2.1 Technology Initiatives

Volume I, ITSP Findings and Recommendations, identified management, business process and technology solutions for enhancing the organization and service delivery environment at City of Milpitas over the next five years.

The initial list of potential ITSP Roadmap initiatives was consolidated, reduced and prioritized in this document, bringing the final number to twenty-nine (29) technology initiatives. The final list of solutions relates to five Information Technology categories: infrastructure, hardware, departmental software, enterprise software, and E-Government solutions.



Other solutions in the ITSP Findings & Recommendation document, not contained in this document, include operational and/or policy recommendations related to the use, operation and management of the City's IT portfolio.

IT solutions identified in the requirements definition phase of the project were vetted to produce the final list used in the prioritization process. Information Technology initiatives are described in some detail in Volume 1: ITSP Findings & Recommendations document, December 4, 2019, which will act as a reference document over the five year duration of the Roadmap.



2.2 Prioritization Criteria & Process

The ITSP Roadmap initiatives were processed through a prioritization model that included a range of performance parameters aligned with common municipal business objectives and tangible internal/public benefits.

The criteria were used by the City and the ThirdWave Project Team to identify a preliminary sorting of initiatives. A final prioritization was carried out taking into account technology prerequisites, related applications, optimum sequencing of IT initiatives and investment balancing.



The figure below describes the criteria employed to prioritize ITSP Roadmap initiatives, using a weighted rating system as described below.

Figure 2.2.1: ITSP Roadmap Initiative Prioritization Criteria

Business Case Benefit Rating

- 5 High:** Provides significant benefit to internal operating efficiencies and extraordinary customer service
- 3 Medium:** Provides some benefit to internal operating efficiencies and very good customer service
- 1 Low:** Provides limited benefit to internal operating efficiency and good customer service

Prioritization Application of Criteria

- 1. Internal or External ITSP Requirements**
 - The number of times an initiative was identified in the requirements definition phase of the project, including the Rapid Workflow® workshops, Management Interviews, Online Staff Survey, and/or IT Focus Groups
 - Provides the architecture and infrastructure required to implement other key projects
 - Facilitates collaboration
 - Provides an enterprise solution, highly leverageable, benefiting the City as a whole
- 2. Improved Staff Productivity**
 - Staff time savings
 - Fosters internal operating efficiencies
 - Improves organizational practices, aligning them with enterprise/departmental goals
 - Enhances the ability to share data
- 3. Improved Customer Services**
 - Significantly improves customer service
 - Provides online 24x7 convenience
 - Provides Web-enabled services for faster/easier service to the public



4. Cost Savings

- Provides the potential for hard dollar savings
- Potential deferred expenses
- Provides cost avoidance opportunities

5. Revenue Generation

- Provides the potential of increased revenues in a variety of instances where the City collects fees for services

Figure 2.2.2 below provides the final list of prioritized technology initiatives as determined by the City, grouped into yearly phases for management consideration and budgeting. Some of the initiatives listed below were combined from those shown in the ITSP Vol. 1 Findings & Recommendations document. Therefore, the number of initiatives shown below and the number shown in Volume 1 may differ.

Figure 2.2.2: Prioritized ITSP Roadmap Technology Initiatives

Legend:

| | |
|------|------------------------------|
| M | Management Initiatives |
| OPS | IT Operations |
| INF | Infrastructure Systems |
| HW | Hardware |
| DSW | Departmental Software |
| ESW | Enterprise Software |
| EGOV | E-Government Applications |
| BPI | Business Process Improvement |

| Year 1 | Type | Initiative |
|--------|------|--|
| 1 | M | IT Organization and Staffing |
| 2 | M | IT Governance |
| 3 | OPS | Cyber Security Assessment |
| 4 | ESW | Server Management Software |
| 5 | M | Training Program (IT Staff and End Users) |
| 6 | M | GIS Master Plan |
| 7 | DSW | Trak-It e-Permitting, Affordable Housing, Redlining Tablets/Stylus |
| 8 | DSW | Building – New Online Business Licenses & Permits |
| 9 | HW | Audio Visual Equipment (Large Screen TVs) |
| 10 | DSW | Tablet Command Incident Management Software |
| 11 | O | Procurement Process BPI |
| 12 | SW | Utility Billing, Meter Repairs, Cashiering |

| Year 2 | Type | Initiative |
|--------|------|--------------------------|
| 1 | M | ECMS Strategy & Taxonomy |
| 2 | O | Payroll Process BPI |
| 3 | SW | ProjectDox ePlan |
| 4 | HW | Equipment Meter Readers |
| 5 | ESW | City Website Redesign |
| 6 | SW | E-Forms Software |



IT Strategic Operating Plan

City of Milpitas

January 18, 2020

| Year 3 | Type | Initiative |
|--------|------|---------------------------------------|
| 1 | SW | Web Content Management |
| 2 | HW | Standardize PCs |
| 3 | HW | Surface Laptop, Tablets, Smart Phones |

| Year 4 | Type | Initiative |
|--------|------|-----------------------|
| 1 | ESW | Agenda – Municode |
| 2 | DSW | Recreation Software |
| 3 | HW | Peripherals: Printers |

| Year 5 | Type | Initiative |
|--------|------|------------------------------------|
| 1 | INF | IT Enterprise Architecture |
| 2 | DSW | Development Inspections |
| 3 | OPS | Systems Mapping & Responsibilities |

A description of each strategic initiative listed above is provided in the *Volume 1: ITSP Findings & Recommendations* document.



Section 3 Budget Estimate



3.1 Budget Overview

The budget estimate reflects a comprehensive analysis, drawing on specific data collected in the course of the ITSP Roadmap project. It provides a management planning budgeting tool.

While every effort has been made to project the approximate cost of the proposed ITSP initiatives (i.e., gross order of magnitude estimates), the City should be aware that technology hardware and software vendor prices vary widely, both in pricing models, product suites, bundling and maintenance options.



Moreover, the cost of implementation vendors/systems integrators can vary even more than system vendors, depending on the geographic location, size of the firm, overhead costs, business model and even the state of the economy.

The following pages provide high level budget estimates, or investment requirements, for a phased 5-year implementation of the City of Milpitas's ITSP Roadmap.

It should be noted that the budget estimate represents gross level of effort estimates using the most currently available data; **it does not represent a price quote**. Furthermore, the budget estimates do not include detailed and/or total training costs, data conversion costs, and other system related costs. These costs can only be developed after a detailed specification and scope of work has been articulated.



High level budget estimates have been determined by:

- Applying industry best practice estimating for the implementation of Information Systems;
- Past experience carrying similar IT initiatives;
- Data provided by the City, based on staff research; or
- Data researched by ThirdWave.

All proposed solutions identified in the ITSP Roadmap should be thoroughly reviewed and go through the formal development of project requirements, specifications and preliminary work breakdown structures, resource allocation planning and development of MS Project Schedules prior to the issuance of solicitation documents or internal implementation by the City's IT organization.

3.2 ITSP Initiative Investment

ThirdWave recommends that Information Technology assume a new level of strategic importance at the City of Milpitas, and the IT Replacement Fund be continued, which is a best practice, to successfully execute and sustain the implementation of the ITSP Roadmap, ensuring IT systems are maintained at an adequate level.

There are a number of Information technology initiatives currently underway at the City. Initiatives that have been identified, funded, are in a solicitation phase, or implementation process are not addressed in this ITSP Roadmap.

The figures on the following pages provide high level investment requirements for a phased multiple year implementation of the City of Milpitas's ITSP Roadmap.





Figure 3.2.1: ITSP Roadmap 5-Year Estimated Investment

| | | | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 |
|---------------|-----|--|----------------|----------------|----------------|----------------|------------------|
| YEAR 1 | | | | | | | |
| 1 | M | IT Organization and Staffing | 0 | 0 | 0 | 0 | 0 |
| 2 | M | IT Governance | 0 | 0 | 0 | 0 | 0 |
| 3 | M | Cyber Security Assessment | 50,000 | 0 | 0 | 0 | 0 |
| 4 | ESW | Server Management Software | 50,000 | 12,500 | 12,500 | 12,500 | 12,500 |
| 5 | M | Training Program (IT & End Users) | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| 6 | M | GIS Master Plan | 75,000 | 0 | 0 | 0 | 0 |
| 7 | DSW | Trak-It e-Permitting/Affordable Housing | 100,000 | 5,000 | 5,000 | 5,000 | 5,000 |
| 8 | DSW | Online Business Licenses & Permits | 200,000 | 12,500 | 12,500 | 12,500 | 12,500 |
| 9 | HW | Audio Visual Equipmen | 25,000 | 0 | 0 | 0 | 0 |
| 10 | DSW | Tablet Command | 140,000 | 10,000 | 10,000 | 10,000 | 10,000 |
| 11 | BPI | Procurement Process BPI | 10,000 | 0 | 0 | 0 | 0 |
| 12 | SW | Utility Billing, Meter Repairs, Cashiering | 50,000 | 6,250 | 6,250 | 6,250 | 6,250 |
| | | | 800,000 | 146,250 | 146,250 | 146,250 | 146,250 |
| YEAR 2 | | | | | | | |
| 1 | M | ECMS Strategy & Taxonomy | | 50,000 | 0 | 0 | 0 |
| 2 | BPI | Payroll Process BPI | | 10,000 | 0 | 0 | 0 |
| 3 | DSW | ProjectDox ePlan | | 100,000 | 0 | 0 | 0 |
| 4 | HW | Equipment Meter Readers | | 40,000 | 0 | 0 | 0 |
| 5 | ESW | City Website Redesign | | 150,000 | 15,000 | 15,000 | 15,000 |
| 6 | ESW | E-Forms Software | | 75,000 | 6,250 | 6,250 | 6,250 |
| | | | | 425,000 | 21,250 | 21,250 | 21,250 |
| YEAR 3 | | | | | | | |
| 1 | ESW | Web Content Management | | | 40,000 | 10,000 | 10,000 |
| 2 | HW | Standardize PCs | | | 0 | 0 | 0 |
| 3 | HW | Surface Laptop, Tablets, Smart Phones | | | 100,000 | 50,000 | 50,000 |
| | | | | | 140,000 | 60,000 | 60,000 |
| YEAR 4 | | | | | | | |
| 1 | ESW | Agenda - Municode Replacement | | | | 150,000 | 25,000 |
| 1 | DSW | Recreation Software | | | | 160,000 | 20,000 |
| 4 | HW | Peripherals | | | | 30,000 | 0 |
| | | | | | | 340,000 | 45,000 |
| YEAR 5 | | | | | | | |
| 1 | INF | IT Enterprise Architecture | | | | | 0 |
| 2 | DSW | Development Inspections | | | | | 200,000 |
| 3 | M | Systems Mapping & Responsibilities | | | | | 0 |
| | | | | | | | 200,000 |
| | | | 800,000 | 571,250 | 307,500 | 567,500 | 472,500 |
| | | | | | 5 YEAR | | 2,718,750 |



Notes:

1. A "0" cost indicates work carried out by City staff or no net maintenance and support costs are required, typically because the ITSP initiatives does not involve software purchases or related maintenance costs.
2. The cost of IT Staff will be determined at a later date.

The footnotes below provide a synopsis of assumptions for each of the ITSP initiatives listed over the 5-year timeline. The foregoing assumes all projects deployments will be preceded by the development of formal functional and technical requirements, development of a comprehensive Request for Proposal document where appropriate, and will utilize competitive solicitations processes to contain costs.

| Year 1 | | |
|--------|-----|---|
| 1. | M | IT Organization and Staffing: This initiative will be carried out by appropriate City HR and IT organizations, therefore there is no cost associated with it. |
| 2. | M | IT Governance: This initiative will be carried out by appropriate City Management and the IT organization, therefore there is no cost associated with it. |
| 3. | M | Cyber Security Assessment: This cost reflects a professional services initiative that will be carried out by a Consultant. |
| 4. | ESW | Server Management Software: This cost reflects the cost of software, with ongoing software maintenance costs, which will be purchased and installed by the IT organization. |
| 5. | M | Training Program (IT Staff and End Users): This cost reflects retaining various software training consultants to provide professional training services to City staff in various departments. |
| 6. | M | GIS Master Plan: This cost reflects an initiative that will entail professional services provided by a consultant with the participation of City staff representing departments requiring spatial data. |
| 7. | DSW | Trak-It e-Permitting, Affordable Housing, Redlining Tablets/Stylus: This cost reflects a combination of software, software maintenance costs and professional consulting services to get the Trak-It implementation to a fully functional system. This initiative will require the participation of City subject matter experts. |
| 8. | DSW | Building – New Online Business Licenses & Permits: This cost reflects an initiative that will entail software and professional services provided by a Systems Integrator, in addition to ongoing software maintenance costs. This initiative will require the participation of City subject matter experts. |
| 9. | HW | Audio Visual Equipment: This cost reflects purchasing and installing large flat screen televisions, which may be installed by the City or a vendor. |
| 10. | DSW | Tablet Command (Incident Management software): This cost reflects an initiative that will entail software and professional services provided by a Systems Integrator, in addition to ongoing software maintenance costs. This initiative will require the participation of City subject matter experts. |
| 11. | BPI | Procurement Process BPI: This cost reflects an initiative that will entail professional services provided by a consultant. |
| 12. | SW | Utility Billing, Meter Repairs, Cashiering: This cost reflects an initiative that will entail software and professional services provided by the software vendor, in addition to ongoing software maintenance costs. |



Year 2

1. M **ECMS Strategy & Taxonomy:** This cost reflects an initiative that will entail professional services provided by a Consultant.
2. O **Payroll Process BPI:** This cost reflects an initiative that will entail professional services provided by a Consultant.
3. DSW **ProjectDox ePlan:** This cost reflects an initiative that will entail professional services provided by a Consultant or Systems Integrator.
4. HW **Equipment Meter Readers:** This cost reflects an initiative to procure hardware and software.
5. ESW **City Website Redesign:** This cost reflects an initiative that will entail professional services provided by a Consultant.
6. ESW **E-Forms Software:** This cost reflects an initiative that will entail software and professional services provided by the software vendor, in addition to ongoing software maintenance costs.

Year 3

1. ESW **Web Content Management:** This cost reflects an initiative that will entail software and professional services provided by the software vendor, in addition to ongoing software maintenance costs.
2. HW **Standardize PCs:** This initiative will be carried out by City IT staff, therefore there is no cost associated with it.
3. HW **Surface Laptop, Tablets, Smart Phones:** This initiative will be carried out by City IT staff, and include the systems cost to standardize systems.

Year 4

1. ESW **Agenda – Municode:** This cost reflects an initiative that will entail professional services provided by a Consultant or Systems Integrator to produce a fully functioning and utilized agenda management system.
2. DSW **Recreation Software:** This cost reflects an initiative that will entail software and professional services provided by the software vendor or Systems Integrator, in addition to ongoing software maintenance costs. This initiative will require the participation of City subject matter experts.
3. HW **Peripherals - Printers:** This initiative will be carried out by City IT staff; therefore, there is no cost associated with it.

Year 5

1. INF **IT Enterprise Architecture:** This initiative will be carried out by City IT staff; therefore, there is no cost associated with it.
2. DSW **Development Inspections:** This cost reflects an initiative that will entail software and professional services provided by the software vendor, in addition to ongoing software maintenance costs.
3. M **Systems Mapping & Responsibilities:** This initiative will be carried out by City IT staff; therefore, there is no cost associated with it.



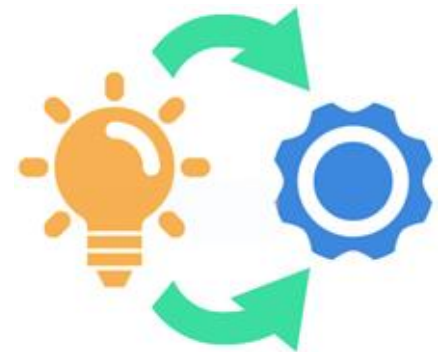
Section 4 5-Year ITSP Roadmap



4.1 ITSP Roadmap Implementation Principles

The ITSP Roadmap illustrates the prioritized sequencing and projected timelines for strategic initiatives over a 5-year period. The Roadmap represents the logical and well-planned construction phase of the IT Strategic Plan.

The following pages provide yearly project schedules reflecting the final prioritized IT Initiatives identified in the ITSP Roadmap Project *as of this writing*. However, it bears noting that this Roadmap is a living document. **As a planning and implementation document, this document is subject to continuous review and adjustment as the City's organization needs, financial position, technologies emerge, and the City's Information Technology portfolio changes.**



4.1.1 Technology Implementation Principles

The ITSP Implementation Roadmap adheres to a framework comprised of a number of general operating principles, as outlined below:

1. *Build a solid and secure infrastructure foundation.*

The ITSP Roadmap assumes that the City's network and communications infrastructure is sound and secure, allowing for the deployment of various strategic technologies. This is a prerequisite to the deployment of departmental and enterprise applications.



2. *Focus on economies of scale in the investment and deployment of initiatives.*

For instance, the implementation of an Online Building/Land Development Permitting system will meet the needs *for several departments*; the E-Government applications can assume a “write-once use many” approach where an Online Payments application can be used to address several online payment requirements across numerous departments and applications.

3. *Provide staff with sufficient tools of the trade.*

The ITSP Roadmap focuses on providing staff with the fundamental tools needed to provide City services **and** interface with all of the City’s constituents, i.e., contemporary departmental and enterprise application software, mobile devices, and web-enabled service delivery solutions.

4. *Recognize deployment prerequisites.*

The ITSP Roadmap recognizes that deployment of certain solutions requires up-stream system preparation, i.e., upgrading the City’s network, ubiquitous remote access to data for City staff working in the field, and so on. In some cases, this may require the City to acquire enabling hardware and/or software technologies either in-house or through “cloud-based” service providers.

5. *Utilize parallel deployment approaches to fast track initiatives.*

To the extent possible, based on available resources, some ITSP Roadmap initiatives will occur in parallel using appropriate IT resources and/or service providing firms to execute IT projects and initiatives. However, multiple enterprise systems should not be deployed at the same time as that might unnecessarily tax the workload of existing City staff.

6. *Use IT best practices for the execution and management of ITSP Roadmap initiatives.*

All development and implementation projects will use formal industry standard PMBOK® (the Project Management Institute’s *Project Management Body of Knowledge*) Project Management methodology and a uniform Enterprise Architecture, Structured Development Life Cycle (SDLC) methods, development tools and databases.

7. *Allocate sufficient IT resources to ensure sustainability.*

The ITSP Roadmap currently includes ITSP initiatives of varying scale and complexity over the next several years. This represents a significant workload for the IT organization. The implementation will require that the City place a high level of importance on IT staff resource allocation (City staff, contractors and/or consultants) to successfully deploy and effectively sustain the IT Strategic Plan.



December 22, 2010

4.2 5-Year Implementation Timeline

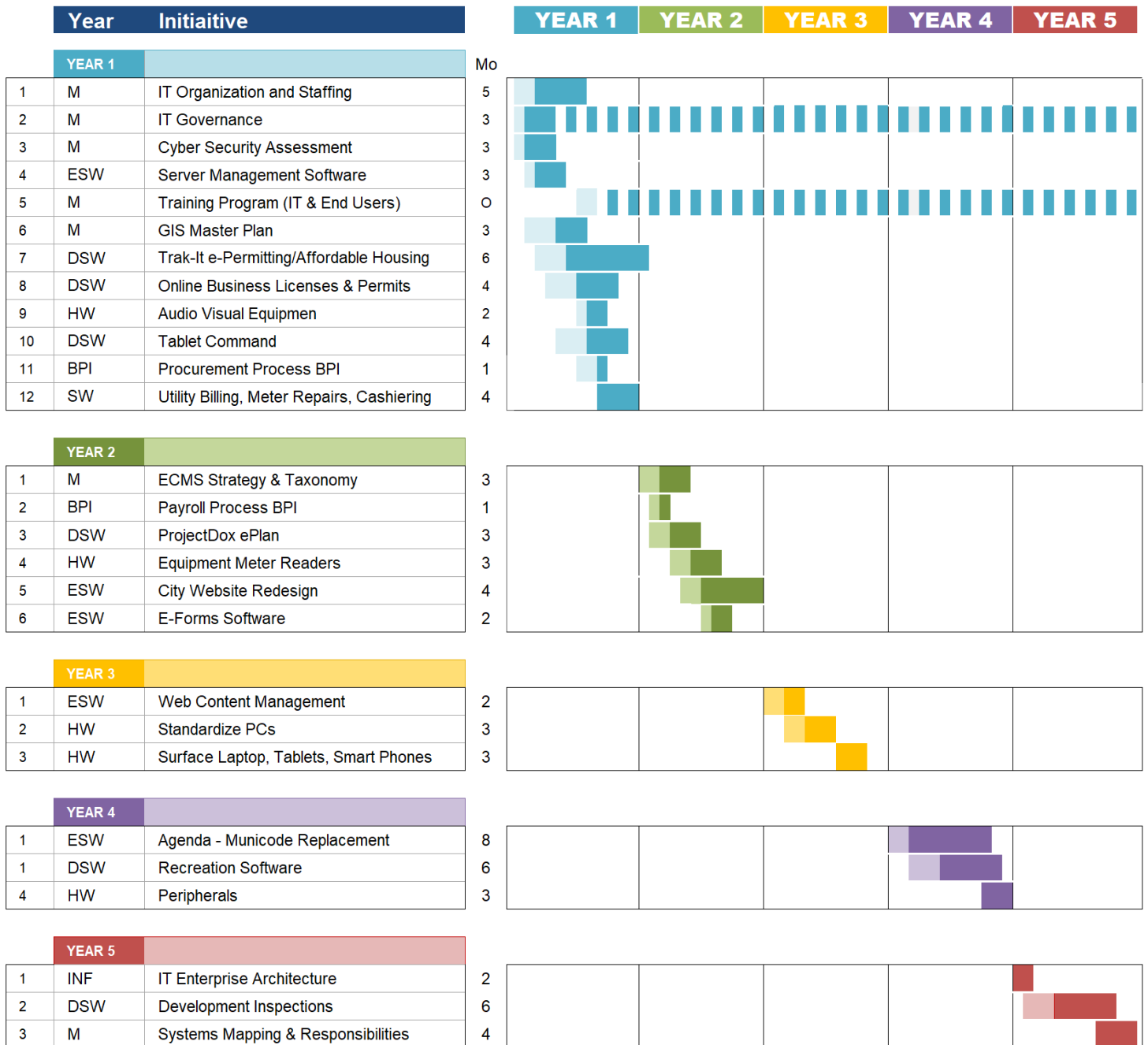
The figure on the following page (4.2.1) provides an overview of the proposed 5-year ITSP Roadmap. In general, the 5-year plan follows the prioritization identified in Section 2 of this document. The following should be noted:

- **Projects requiring requirements definition and/or a solicitation process are shown with a light-colored bar preceding the solid dark color bar**, which indicates the deployment timelines. ITSP Roadmap initiatives that require a solicitation process tend to be the larger and more complex projects. These projects will generally be carried out by external professional resources supported by internal City IT staff/subject matter experts.
- Projects anticipated to be carried out by existing IT resources without a solicitation phase are shown with a solid bar indicating approximate deployment timelines. (The solid bar indicates the projected implementation timelines, not the upfront requirements definition and solicitation timelines.)
- From a planning perspective, the solicitation timelines are important because they imply:
 - A formal requirements definition effort
 - The formation staff resources for the development of RFP documents
 - The formation of end user evaluation/selection committees
 - The assignment of appropriate IT staff resources for the execution of the initiatives
 - The assignment of appropriate City staff backfill resources for the execution of large IT projects, i.e., Enterprise Resource Planning solutions
 - The identification of appropriate Change Management activities
- Ongoing ITSP Roadmap initiatives are shown with a dashed line.
- The number in the column titled "MO" indicates the approximate number of months estimated to carry out an initiative.
- **The timing of ITSP Roadmap initiatives are subject to change based on the availability of funding**, either at the department or enterprise level.
- **The ITSP Roadmap proposed here is not cast in concrete** and should be reviewed on a yearly basis, revised and adjusted as appropriate.





Figure 4.2.1: Overall 5-Year Implementation Roadmap



Note:

The numbers shown in the “MO” column indicate the number of months for the implementation of an ITSP initiative, shown with the dark colored bar. It does not include the front-end work to develop requirements or carry out a solicitation.



Implementation Assumptions:

The footnotes below provide a synopsis on the implementation approach for each of the ITSP initiatives listed over the 5-year timeline. The number in the parenthesis indicates the estimated duration of each initiative in months. The foregoing project timelines assume all project deployments will use formal PMBOK™ Project Management and Change Management Best practices.

Year 1

1. ***IT Organization and Staffing [5]:*** This initiative assumes a 2-month timeline to execute a recruitment effort to hire IT staff and 6 months to implement the revised IT sustainability model.
2. ***IT Governance [3]:*** This initiative assumes 1 month for IT to fully articulate the IT Governance process, roles and responsibilities and 3 months to implement it with the City's leadership team.
3. ***Cyber Security Assessment [3]:*** This initiative assumes a 1-month timeline to retain a consulting firm to carry out the project, estimated to take three months.
4. ***Server Management Software [3]:*** This initiative assumes a 1-month timeline to procure software and 3 months for IT staff to carry out the project.
5. ***End User Training [Ongoing]:*** This initiative will be an ongoing task with CIT IT staff retaining the services of various vendors to provide training to City staff on various applications.
6. ***GIS Master Plan:*** This initiative assumes a 3-month timeline to go through a procurement process to retain a consulting firm to carry out the project, estimated to take three months.
7. ***Trak-It e-Permitting [6]:*** This initiative assumes a 3-month timeline to go through a procurement process to retain a consulting firm and Affordable Housing software to carry out the project, estimated to take three months.
8. ***Online Business Licenses & Permits [4]:*** This initiative assumes a 4-month timeline to develop detailed technical and functional requirements and RFP, go through a formal procurement process followed by the deployment by a vendor estimated to take four months.
9. ***Audio Visual Equipment [2]:*** This initiative assumes a 1-month timeline to procure and 1 month to schedule the installation of TVs in the Council chambers and management conference rooms.
10. ***Tablet Command [4]:*** This initiative assumes a 4-month timeline to develop detailed technical and functional requirements and RFP, and go through a formal procurement process followed by the deployment by a vendor estimated to take four months.
11. ***Procurement Process BPI [1]:*** This initiative assumes a 2-month timeline to retain a Consultant to carry out a business process redesign, estimated to take 1 month.
12. ***Utility Billing, Meter Repairs, Cashiering [3]:*** This initiative assumes a 3-month timeline to develop technical requirements, procure and install hardware, estimated to take 3 months. This will be carried out by City IT staff.

Year 2

1. ***ECMS Strategy & Taxonomy [3]:*** This initiative assumes a 2-month timeline to go through the procurement process followed by the ECMS Strategy/Taxonomy, estimated to take 4 months.
2. ***Payroll Process BPI [1]:*** This initiative assumes a 1-month timeline to retain a Consultant and 1 month to execute the project.



3. **ProjectDox ePlan [3]:** This initiative assumes a 2-month timeline to execute a solicitation to retain a consultant to provide the consulting/integration services required, which are estimated to take 3 months.
4. **Equipment Meter Readers [3]:** This initiative assumes a 2-month timeline to develop technical requirements, procure and install hardware, estimated to take 3 months. This will be carried out by City IT staff.
5. **City Website Redesign [6]:** This initiative assumes a 2-month timeline to go through the procurement process followed by the website redesign estimated to take 6 months.
6. **E-Forms Software [2]:** This initiative assumes the City will procure the software and implement it. (This software may be part of a new Enterprise Content Management System.) This timeline does not include the development of E-Forms, which will have to be defined, designed and developed.

Year 3

1. **Web Content Management [2]:** This initiative assumes a 2-month timeline to develop detailed technical and functional requirements, RFP and go through a formal procurement process followed by the deployment estimated to take 2 months. This will be carried out by City IT staff.
2. **Standardize PCs [3]:** This initiative assumes a 2-month timeline to develop a standard technical specification and procure PCs as required. This will be carried out by City IT staff.
3. **Surface Laptop, Tablets, Smart Phones [3]:** This initiative assumes a 3-month timeline to develop a standard technical specification. This will be carried out by City IT staff.

Year 4

1. **Agenda – Municode Replacement [6]:** This initiative assumes a 3-month timeline to execute a solicitation to retain a consultant to implement a new agenda management system, estimated to take 6 months.
2. **Recreation Software [6]:** This initiative assumes a 3-month timeline to develop detailed technical and functional requirements, RFP and go through a formal procurement process followed by the deployment estimated to take 6 months.
3. **Peripherals [3]:** This initiative assumes a 2-month timeline to execute a solicitation to retain a consultant, estimated to take 2 months.

Year 5

1. **IT Enterprise Architecture [2]:** This task will be carried out City IT staff.
2. **Development Inspection Software [6]:** This initiative assumes a 3-month timeline to develop detailed technical and functional requirements, RFP and go through a formal procurement process followed by the deployment, estimated to take 6 months.
3. **Systems Mapping & Responsibilities [4]:** This task will be carried out City IT staff.



Section 5 City & Constituent Benefits



5.1 Sorted ITSP Roadmap Benefits

A number of quantitative and qualitative benefits were identified in the ITSP Roadmap project indicating considerable opportunity for enhancing internal operations and service delivery to the public.

Qualitative business process improvement and service delivery benefits were split equally across external (customer focused) and internal benefits. While the benefits were not quantified (i.e., there is no measure of the magnitude of benefits in terms of dollars), the list below provides a general indicator of the opportunity.



The figure on the following page provides a compiled list of potential ITSP Roadmap benefits identified by City staff and management if the initiatives identified in the project were implemented. This list indicates that the most substantial benefits of implementing an enterprise driven ITSP Roadmap are the outcomes all municipalities strive for.

The top 10 potential benefits identified include:

1. Increased Efficiency

Execution of the ITSP Roadmap will further the efficient use of staff time, in terms of executing common work tasks, looking for information, not re-keying data into redundant systems, and/or looking for (and gathering) information from numerous disparate systems. Execution of the ITSP Roadmap will improve staff productivity by fostering a workplace where more can be done with fewer or existing resources. This would include initiatives



such as the new Finance system, Public Records Request application, and city-wide roll out of the Laserfiche content management system.

2. Staff time savings

According to City staff, management and ThirdWave's findings, funding the ITSP Roadmap will allow for better use of staff time and time-savings, by far the most significant benefit allowing the City to sustain its organizational business model by not increasing its staffing levels. The implementation of the ITSP Roadmap will allow existing City staff to better meet the growing service demands of the City's constituents. This would include initiatives such as the new Finance system, Public Records Request, Public Service Requests, city-wide roll out of the Laserfiche content management system and Wi-Fi at the parts.

3. Access to accurate/real-time data

Implementing the ITSP Roadmap will significantly improve the access to accurate and real time data. City staff will produce and store more consistent and accurate information. This benefit applies to the majority of City departments including better data, improved access to data cross functionally, and more accurate reports across all departments. For the public, the ITSP Roadmap will facilitate Open Government and enhanced transparency. This includes initiatives such as the new Budget system and implementation of a city-wide Enterprise Content Management System.

4. Business process improvement

The adoption and funding of the ITSP Roadmap will provide significant opportunity to streamline the execution of City Department work activities in many areas. This will result in improved internal operations and enhanced service delivery to City customers. This would include initiatives such as the new Finance system (GL, AP, AR, Bank reconciliation, Budget, Purchasing, Fixed Asset Management, Human resources modules), Public Service Requests, Asset Management, and Public Records Requests, employing workflow automation provided in many of these systems.

5. Improved customer service

Execution of the ITSP Roadmap will improve the levels of customer service, internally amongst City staff and externally to constituents. In both cases, systematizing data/information and transactions replaces the need to physically go to the City and/or manage City operations and services with hardcopy documents. This would include initiatives such as the following software: Public Records Request, Public Service Request, Parks & Recreation and the Agenda Management application.

6. Reduced staff stress

Implementing the ITSP Roadmap will reduce and mitigate a number of workplace/ business process situations where City staff is experiencing considerable frustration. The use of automation will streamline many business processes which currently rely on manual methods, which will enhance service delivery and decrease stress.

7. Improved accuracy

Implementation of the ITSP Roadmap will provide quicker and easier access to many types of information for City staff and constituents. Most, if not all, of the proposed information systems provide interoperability (the ability to share data across systems) or web-enabled access to information from anywhere at any time from any device. The focus on data analytics will also assist in establishing an Open Government environment at the City, which



will promote transparency to the public. The ability of City staff to produce and store more consistent and accurate information will also be a benefit. This benefit applies to the majority of City departments including improved access to data for works crews in the field. For the public, this will facilitate an Open Government policy and enhanced transparency.

8. Happier staff

Implementing the ITSP Roadmap will reduce and mitigate a number of workplace/ business process situations where City staff is experiencing considerable frustration. The use of automation will streamline many business processes which currently rely on manual methods. This would enhance service delivery and decrease stress. This would include initiatives such as the new Finance system (GL, AP, AR, Bank reconciliation, Budget, Purchasing, Fixed Asset Management, Human resources modules), Public Service Requests, Asset Management, Public Records Requests, and the city-wide roll out of Laserfiche, employing workflow automation.

9. Improved productivity

Implementation of the ITSP Roadmap will further the efficient use of City resources (staff and financial), in terms of executing common work tasks, looking for information, not re-keying data into redundant systems, and/or looking for (and gathering) information from numerous disparate systems. Execution of the ITSP Roadmap will improve staff productivity by fostering a digital workplace/digital workforce where more can be done with fewer or existing resources.

10. Improved relationship with developers

Implementing the ITSP will provide staff the technology needed to work more effectively with developers, including intaking developer information electronically, including providing developers access and/or inclusion in paperless/automated workflows.

The top 10 benefits identified above, and the remaining quantitative and qualitative benefits provide a compelling business case for approving and funding the City of Milpitas's ITSP Roadmap.

The Gant chart on the following page provides a graphical representation forty-nine (49) potential benefit types identified in the ITSP project. Four-hundred and eighty-six (486) specific potential benefits were identified in sixteen (16) business process workshops, an average of thirty (30) benefits per mission critical business process.

While these benefits are not quantified in potential hard dollar savings, they do illustrate the level of magnitude of the benefit of investing in the City's future as innovative user of Information technologies.



Figure 5.1.1: Summary of Potential Benefits Across All City Departments





Section 6 Closing Recommendations



6.1 Adoption & Funding

Based on the voluminous amount of data collected from City staff and management, the findings and recommendations of the ITSP Roadmap project, and the opportunities for making substantial progress in the use of emerging Information Technologies, ThirdWave recommends that the City of Milpitas Information Technology Strategic Plan and Roadmap be approved and adopted by the City.

Moreover, we recommend that year one be funded.

Doing so will result in business process improvement, increased operational efficiencies, and enhanced service delivery to constituents while containing operational costs.

Adoption of the ITSP represents **a timely leap into the future in the evolution of an extraordinary City and community.** The Roadmap will strategically position the City of Milpitas for the next 5 years to fully leverage emerging technologies for years to come.





CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|------------------------|---|
| Item Title: | Approve Employment Agreement with Steven McHarris to serve as City Manager and Provide Direction to Staff to Make Minor Modifications to the Unrepresented Employee Benefit Handbook |
| Category: | Leadership and Support Services |
| Meeting Date: | 5/19/2020 |
| Staff Contact: | Christopher J. Diaz, City Attorney 408-586-3040 |
| Recommendation: | Approve Employment Agreement with Steven McHarris to serve as City Manager and Provide Direction to Staff to Make Minor Modifications to the Unrepresented Employee Benefit Handbook |

Background:

After the departure of the former City Manager in June of 2019, the City Council unanimously agreed to appoint Steven McHarris as City Manager on an interim basis. Prior to stepping into the role of City Manager, Mr. McHarris served as the City's Deputy City Manager overseeing planning, economic development and other areas involving development in the City. Mr. McHarris steps into the City Manager role after a long and respected career in public service.

After working with Mr. McHarris for many months, the City Council is pleased to select him to continue on with his service as City Manager on a permanent basis. An employment agreement has been negotiated between the City Council and the City Manager and it is now ready for City Council approval.

Analysis:

The employment agreement between the City and Mr. McHarris provides for the following:

- **Term:** The agreement is to commence at the execution of the Agreement and shall run through June 3, 2022, the anniversary of the date Mr. McHarris began serving in the City Manager role on an interim basis. The City Council has the option of extending the Agreement on an annual basis.
- **Salary:** The agreement provides for a base salary of 334,367.35, per year.
- **Benefits:** The agreement provides that Mr. McHarris will receive regular benefits and allowances provided to all other unrepresented executive employees. In addition, Mr. McHarris will receive a 457 deferred compensation plan and a 401(a) defined contribution plan.
- **Retirement Benefits:** The agreement provides for Mr. McHarris to be enrolled in CalPERS with the City and receive benefits similar to all other employees.
- **Other Benefits:** The agreement also provides that Mr. McHarris will receive all standard benefits consistent with other executive staff. In addition, Mr. McHarris will be provided with professional development opportunities and an executive coach.

- **Miscellaneous:** The agreement provides for an “at-will” employment relationship with Mr. McHarris, but also provides for the payment of nine months of severance in the event the City terminates Mr. McHarris’ employment without cause.

Finally, because the City Council has granted some benefits through the employment agreement that are different than what is in the Unrepresented Employee Benefit Handbook, it is staff’s recommendation that Council also provide direction to staff to include clear language in the Unrepresented Employee Benefit Handbook allowing Council to approve different benefits for the City Manager through an employment agreement. This is fairly standard as the City Manager position is the only employee with an employment agreement with the City.

Policy Alternatives:

Alternative 1: The City Council could choose not to approve the employment agreement or seek modifications to the agreement.

Pros: None, as City Council has directed the preparation of this agreement and it represents the good faith negotiations between the City Council and Mr. McHarris. If further modifications are desired, the City Council can discuss and provide that direction in closed session.

Cons: If the City Council does not approve the employment agreement, then the City Council will need to provide additional direction to staff.

Reason not recommended: The City Council should approve the employment agreement as the City Council has directed its preparation and negotiation and it represents the completion of the negotiations.

Fiscal Impact:

Per the contract, the annual total compensation in the amount of \$547,117.97 includes \$334,367.35 for salary, \$106,646.47 for pension, \$33,436.74 for contributions to deferred compensation plans, \$23,405.71 for Workers’ Compensation, \$21,637.68 for healthcare benefits (Medical, Dental, Vision, Short-Term Disability, Long-Term Disability and Life Insurance), \$16,718.37 for Retiree Medical benefit, \$6,600 for auto allowance and \$4,305.65 for Medicare. There is sufficient funding for this employment agreement in the City Manager’s Office FY 2019-20 and FY 2020-21 Proposed Budget.

For comparison purposes, based on research by City staff, the total cost to the City is consistent with cities of a similar size, with Palo Alto and Mountain View being similar in population size to Milpitas. Current annual salary for the City Manager in Palo Alto is \$356,013 with similar benefits, and Mountain View provides a salary of \$307,000 plus similar benefits.

California Environmental Quality Act:

N/A

Recommendation:

Approve the Employment Agreement with Steven McHarris to serve as City Manager and provide direction to staff to make minor modifications to the Unrepresented Employee Benefit Handbook.

Attachments:

Employment Agreement
Exhibits to Employment Agreement

EMPLOYMENT AGREEMENT

THIS AGREEMENT is between the City of Milpitas, a municipal corporation (the “City” or “Employer”) and Steven McHarris (“Employee”). It is effective on the latest date next to the signatures on the last page (“the Effective Date”).

This Agreement is entered into on the basis of the following facts, among others:

- A. The City desires to employ the qualified professional services of Employee as City Manager of the City, as provided by the Milpitas Municipal Code.
- B. After serving the City of Milpitas as Deputy City Manager followed by the June 4, 2019 appointment to Interim City Manager for the City of Milpitas, Employee desires to continue employment by the City as its City Manager.
- C. The City Council and Employee desire to establish a reasonable, professional and trustworthy employment relationship, subject to the terms and conditions set forth in this Agreement pertaining to compensation and benefits, performance evaluations, and related matters.

BASED UPON THE FOREGOING, THE CITY AND EMPLOYEE AGREE AS FOLLOWS:

1. **Employee Appointed.** The City appoints and employs Employee as City Manager, and Employee continues to accept the appointment and employment as of the Effective Date.

2. **Duties of Employee.** Employee shall perform the duties established for the City Manager by State law, the Milpitas Municipal Code, the City Manager job description, the directions of the City Council, or as otherwise provided by law, ordinance, or regulation. The provisions of the Municipal Code pertaining to the City Manager and the City Manager job

description, as may be amended from time to time, are attached hereto as Exhibit A and are hereby made a part of this Agreement.

(a) Full Energy and Skill. Employee shall faithfully, diligently, and to the best of Employee's abilities, perform all duties that may be required under this Agreement. Employee agrees that Employee has a duty of loyalty and a general fiduciary duty to the City. Employee shall devote the whole of Employee's working time, skill, experience, knowledge, ability, labor, energy, attention, and best effort exclusively to the City's business and affairs. Prior to undertaking any secondary activities for which Employee receives compensation, Employee shall disclose those activities to the Council.

(b) No Conflict. Employee shall not engage in any employment, activity, consulting service, or other enterprise, for compensation or otherwise, which is actually or potentially in conflict with, inimical to, or which interferes with the performance of Employee's duties. Further, Employee shall not, during the term of this Agreement, individually, as a partner, joint venture, officer or shareholder, invest or participate in any business venture conducting business in the corporate limits of the City of Milpitas.

(c) Outside Activities. Consistent with subdivision 2(a) above, the Employee's primary employment is with the City. Any outside activities for which the Employee receives compensation from a third party shall be disclosed, in advance, to the City Council. Employee is expected to take personal leave (i.e., vacation time) for any outside activities of this nature.

3. Hours of Work. The City Manager is an exempt employee but is expected to engage in those hours of work that are necessary to fulfill the obligations of the City Manager's position. The City Manager does not have set hours of work as the City Manager is expected to be reasonably available to the City Council with support and coverage by the

Assistant or Deputy City Manager at all times. It is recognized that the City Manager must devote a great deal of time to the business of the City outside of the city's customary office hours, and to that end the City Manager's schedule of work each day and week shall vary in accordance with the work required to be performed and in accordance with any specific direction provided by the City Council.

4. **Term.** The term of this Agreement shall be from the Effective Date through June 3, 2022 unless terminated earlier by either party in accordance with the provisions set forth in Section 12, or unless extended as authorized by this Section. The City Council shall meet annually on or around each anniversary of the Effective Date to consider an annual extension to the Agreement.

5. **City Council Commitments.** The City Council shall abide by all provisions of the City's Municipal Code regarding the administration of personnel issues, with a copy of the relevant provisions of the City's Municipal Code, as may be amended from time to time, attached hereto as Exhibit A.

6. **Annual Evaluation.** In the first year of the term of this Agreement, the City Council shall conduct an evaluation of Employee's performance within 60 days to establish working relationships, norms, opportunities to be successful, and goals for coming year, then followed on a six-month basis for the first year of agreement. The second six-month evaluation shall be conducted within 60 days of the Employee's anniversary date as the City Manager. Each year thereafter, within 60 days of the Employee's anniversary date as the City Manager, the City Council shall conduct an evaluation of Employee's performance and provide guidance and direction in accordance with the specific criteria developed by the City Council in consultation with a professional facilitator. The facilitator shall be selected by mutual collaboration between the City Council and Employee which collaboration shall also establish a mutually agreed upon

evaluation process. At the time of Employee's annual performance evaluation, Employee may be eligible to receive an increase in Base Salary, as determined by the City Council in its sole discretion. Employee may be eligible for the first increase on Employee's first anniversary date, and then annually dependent on a performance evaluation to precede any consideration of a salary adjustment. Employee is not automatically entitled to any increase, which is subject to the sole discretion of the Council. In addition to an established annual evaluation, the Council has the discretion to provide Employee with an evaluation of performance at other times chosen by the Council.

7. Compensation.

(a) Base Salary. Employee shall receive the annual Base Salary of Three Hundred Thirty Four Thousand Three Hundred Sixty-Seven Dollars and Thirty-Five Cents (\$334,367.35), payable on a pro-rata basis in the same manner as all full time City employees, and subject to all applicable payroll taxes and withholdings.

(b) COLA Adjustments/Compaction. Whenever a cost of living adjustment or other non-merit based salary increase is provided to other miscellaneous unrepresented executive staff, the City Council shall consider whether it is reasonable and appropriate to grant the highest cost of living increase received by any miscellaneous unrepresented employee groups to the Employee's Base Salary to avoid compaction and maintain a buffer of 10% minimum between the Employee's Base Salary and the next highest salary for miscellaneous unrepresented executive staff. No salary adjustment is guaranteed, but is subject to the discretion of the City Council. Employee shall be obligated to inform the Employer whenever a recommended cost of living increase provided to other miscellaneous unrepresented executive staff will cause a potential compaction issue so that the Employer can determine whether a cost of living increase is appropriate for other miscellaneous unrepresented executive staff.

(c) Reduction in Salary or Benefits. If the City reduces the Employee's Base Salary, or any benefit described in Sections 8 to 11 of this Agreement, in a percentage that is greater than the average reduction of all miscellaneous unrepresented executive staff, such action shall constitute a termination of this Agreement without Cause under Section 12 of this Agreement.

8. Regular Benefits and Allowances. Employer agrees to provide and pay the City allowance for vision, dental and comprehensive medical health insurance for Employee and his/her dependents, if any, equal to that which is provided to all other full-time miscellaneous unrepresented executive staff of Employer. The City contribution toward health insurance shall be equal to that which is provided to all other miscellaneous unrepresented executive staff of Employer as specified in the applicable Unrepresented Employee Benefit Handbook ("Benefit Handbook"), dated July 1, 2019, or any amendment thereto or replacement thereof. Similarly, Employee shall receive short term and long term disability insurance coverage while this Agreement is in force, subject to any contributions required of unrepresented miscellaneous unrepresented executive staff.

9. Additional Deferred Compensation. As part of Employee's annual base compensation, City agrees to provide a Section 457 deferred compensation program which will be administered by the International City Management Association – Retirement Corporation (ICMA-RC), and to pay into such program for Manager's benefit monthly, commencing with the Effective Date of this Agreement, five (5) percent of annual base compensation subject to any limitations on annual contributions. In addition, the City shall adopt a qualified 401(a) defined contribution plan offered through ICMA-RC Corporation for the Employee to which the City shall contribute the equivalent of five (5) percent of annual base compensation, distributed

evenly on a monthly basis, commencing with the Effective Date of this Agreement. These contributions shall not be reportable to CalPERS.

10. Retirement Benefits.

(a) Employer agrees to enroll Employee into the California Public Employees Retirement System (“CalPERS”) consistent with other City employees.

11. Additional Benefits and Allowances. In addition to the benefits already specified in this Agreement, Employee shall receive the same benefits afforded to miscellaneous unrepresented executive staff, including and not limited to:

(a) Vacation; Sick Leave

(i) Vacation. Employee shall accrue and be eligible to use vacation days in accordance with the City’s established vacation policy.

(ii) Sick Leave. Employee shall be entitled to use and accrue sick leave in accordance with established City policy.

(b) Automobile. Employee shall receive a monthly vehicle allowance of five hundred fifty dollars (\$550.00) per month, for automobile trips which shall be equal to that which is provided to all other miscellaneous unrepresented executive staff of Employer as specified in the applicable Unrepresented Employee Benefit Handbook (“Benefit Handbook”), dated July 1, 2019, or any amendment thereto or replacement thereof.

(c) Professional Development. Employer expects the Employee to continue to develop the professional technical and leadership skills and knowledge necessary to serve as City Manager. To that end, Employee is expected to continue membership with the International City Managers Association, American Planning Association/American Institute of Certified Planners, and attend the Harvard Kennedy School State and Local Government 3-week executive leadership summer program upon notification of acceptance by Harvard (but all subject

to the City Council's budget approval). Employee is expected to attend national, state or local regular conferences, trainings and other educational opportunities to continue to hone the skills consistent with the City Manager job description. The City will allow Employee reasonable time away to participate in these professional development opportunities and Employer shall pay for these training opportunities as provided for in this subsection subject to City Council's budget approval.

(d) Executive Coaching. Subject to City Council review and approval, Employee shall obtain a professional executive coach, who can provide professional advice, mentorship, guidance, and training to the Employee within three (3) months of the Effective Date of this Agreement. All costs of the executive coach shall be budgeted and paid by Employer. When seeking approval, Employee shall disclose all costs associated with executive coaching.

12. Termination of Employment.

(a) No Property Interest/Cause Defined. Employee understands and agrees that Employee has no constitutionally-protected property or other interest in Employee's employment as City Manager. Employee understands and agrees that Employee works at the will and pleasure of the City Council, and that Employee may be terminated, or asked to resign, at any time, with or without Cause, by a majority vote of its members. Notice of termination shall be provided to the City Manager in writing. As used in this Agreement, Cause shall only mean any of the following:

(i) Conviction of, or plea of guilty or nolo contendere to, any crime or offense (other than minor traffic violations or similar offenses) which is likely to have a material adverse impact on the City or on the Employee's reputation;

(ii) Proven failure of the Employee to observe or perform any of his duties and obligations, if that failure continues for a period of thirty (30) business days from the date of his receipt of notice from the City Council specifying the acts or omissions deemed to amount to that failure;

(iii) Conviction of any crime involving an “abuse of office or position,” as that term is defined in Government Code Section 53243.4;

(iv) Repeated failure to carry out a directive or directives of the City Council made by the City Council as a body at a Brown Act compliant meeting; and

(v) Any grossly negligent action or inaction by Employee that materially and adversely: (a) impedes or disrupts the operations of City or its organizational units; (b) is detrimental to employees or public safety; or (c) violates the City’s properly-established rules or procedures.

(b) Termination Immediately Before or Following City Council Election. No action by the City Council to terminate Employee, other than for Cause, will be made within ninety (90) days before a City Council election or within six (6) months immediately following a City Council election. Nothing in this subsection alters the “at will” status of Employee’s employment with City.

(c) Notice Required Of Employee. Employee may voluntarily terminate employment at any time by giving not less than sixty (60) days notice.

(d) Severance Pay. If Employee is asked to resign or is terminated without Cause, then Employee shall be eligible to receive a cash payment equivalent to the sum of Employee’s then-current monthly salary multiplied by nine (9) and the cash value, as determined by the City, of Employee’s monthly non-salary COBRA-eligible benefits multiplied by nine (9). Any severance and benefits paid shall be subject to state law requirements codified at Government

Code Section 53260. This cash payment will be made on a pro-rated, monthly basis over the number of months involved, subject to termination of the severance requirement set forth below. Employee shall also be paid for any accrued, but unused, vacation. In the event of termination or resignation from employment or the non-renewal of this Agreement, sick leave upon termination shall be treated in accordance with the Benefit Handbook. Eligibility for such severance payment is expressly conditioned upon Employee's execution of (i) a waiver and release of any and all of Employee's claims against City, and (ii) a covenant not to sue. All normal payroll taxes and withholdings as required by law shall be made with respect to any amounts paid under this section. Employee expressly agrees to provide notice to the City within two (2) business days of accepting employment elsewhere, and the City's obligation to pay any severance benefit to Employee shall terminate upon Employee's acceptance of such alternative employment.

(e) Ineligibility for Severance under Certain Conditions. If the termination of Employee is for Cause (as defined above) or if Employee voluntarily resigns, Employee is not eligible for and will not receive any severance. If Employee is terminated without Cause, then Section 7(d) above shall control.

(f) Communications Upon Termination. In the event the Employer terminates the Employee for any reason or no reason, the Employer and Employee agree to undertake reasonable efforts to issue a joint press release or statement, the content of which is mutually agreeable to the Employer and Employee. The joint press release or statement shall not contain any text or information that is reasonably considered to be disparaging to either party. For purposes of this subdivision only, "party" includes City Council members in office at the time of termination and miscellaneous unrepresented executive employees. If the parties are able to agree on a joint statement, either party may verbally repeat the substance of the joint press release or statement in response to any inquiry.

13. Statutory Requirements. This Agreement shall be deemed to incorporate by reference the provisions of Sections 53243 *et seq.* of the Government Code, as it may be amended or renumbered.

14. Payment of Expenses of Employment. The City shall pay the following usual and customary employment expenses.

(a) The cost of any fidelity or other bonds required by law for the City Manager.

(b) Subject to Section 12 of this Agreement, the cost to defend and indemnify Employee as required by the California Government Claims Act (Government Code §810 *et seq.*), or otherwise. City will determine, in its sole discretion, whether to compromise and settle any such claim or suit against Employee and the amount of any settlement or judgment rendered thereon.

(c) Subject to budget approval, the cost of attending conferences or other events (i.e. retirement dinners, out-of-town meetings, professional memberships and seminars, etc.) necessary for the proper discharge of Employee's duties. The City will not reimburse Employee for any expenses related to membership in service clubs, and will not encourage or require service club membership.

15. Miscellaneous.

(a) Notices. Notices given under this Agreement shall be in writing and shall be:

- (i) served personally; or
- (ii) sent by facsimile (provided a hard copy is mailed within one (1) business day); or

- (iii) delivered by first-class United States mail, certified, with postage prepaid and a return receipt requested; or
- (iv) Sent by Federal Express, or some equivalent private overnight delivery service.

Notices shall be deemed received at the earlier of actual receipt or three (3) days following deposit in the United States mail, postage prepaid. Notices shall be directed to the addresses shown below, provided that a party may change such party's address for notice by giving written notice to the other party in accordance with this subsection.

CITY:

City of Milpitas
Attn: Mayor
455 E. Calaveras Blvd.
Milpitas, CA 95035

EMPLOYEE:

Steven McHarris

(b) Compliance with Government Code §§53243, 53243.1, & 53243.2.

If Employee is convicted of a crime involving an abuse of the Employee's office or position, all of the following shall apply:

(i) if Employee is provided with administrative leave pay pending an investigation, Employee shall be required to fully reimburse the City for such amounts paid;

(ii) if the City pays for the criminal legal defense of Employee (which would be in its sole discretion, as it is not generally required to pay for a criminal defense), Employee shall be required to fully reimburse City such amounts paid; and

(iii) if this Agreement is terminated, any cash settlement related to the termination that Employee may receive from the City shall be fully reimbursed to the City or void if not yet paid to Employee.

(iv) For this subsection, “abuse of office or position” means either (1) an abuse of public authority, including waste, fraud, and violation of the law under color of authority, or (2) a crime against public justice, including but not limited to a crime described in Title 7 (commencing with Section 92) of Part 1 of the Penal Code.

(c) Entire Agreement/Amendment. This Agreement constitutes the entire understanding and agreement between the parties as to those matters contained in it, and supersedes any and all prior or contemporaneous agreements, representations and understandings of the parties. This Agreement may be amended at any time by mutual agreement of the parties, but any such amendment must be in writing, dated, and signed by the parties and attached hereto.

(d) Attorney's Fees. If any legal action or proceeding is brought to enforce or interpret this Agreement, the prevailing party shall be entitled to recover his or its attorneys’ fees and costs. Nothing in this subsection shall be read to prevent the parties from agreeing to some alternative method of dispute resolution.

(e) Severability. In the event any portion of this Agreement is declared void, such portion shall be severed from this Agreement and the remaining provisions shall remain in effect, unless the result of that severability would be to substantially alter this Agreement or the obligations of the parties, in which case this Agreement shall be immediately terminated.

(f) Waiver. Any failure of a party to insist upon strict compliance with any term, undertaking, or condition of this Agreement shall not be deemed to be a waiver of such term, undertaking, or condition. To be effective, a waiver must be in writing, signed and dated by the parties.

(g) Representation by Counsel. The parties acknowledge and agree that they were, or had the opportunity to be, represented individually by legal counsel with respect to the matters that are the subject of this Agreement and that they are fully advised with respect to their respective rights and obligations resulting from signing this Agreement.

(h) Governing Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Employee and City agree that venue for any dispute shall be in Santa Clara County, California.

(i) Section Headings. The headings on each of the sections and subsections of this Agreement are for the convenience of the parties only and do not limit or expand the contents of any such section or subsection.

(j) No Assignment. Employee may not assign this Agreement in whole or in part.

Dated: _____

CITY OF MILPITAS

By _____
Mayor

Dated: _____

EMPLOYEE

Employee

Approved as to Form:

City Attorney



CITY MANAGER

City of Milpitas

Effective: June 1985
Revised: February 2018
EEOC: Officials/
Administrators
FLSA: Exempt
Unit: Unrepresented

DEFINITION

To serve as the chief executive officer, responsible to the Mayor and Council for the proper administration of all affairs of the City. Under policy direction, to coordinate City services and activities among City departments and with outside agencies; and to provide highly responsible and complex administrative support to the City Council.

SUPERVISION RECEIVED AND EXERCISED

- Receives policy direction from the City Council.
- Exercises direct and indirect supervision over department heads and staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

- Coordinate the general activities and operation of the City government.
- Direct and participate in the development and implementation of goals, objectives, policies, and procedures.
- Attend all meetings of the City Council unless otherwise excused.
- Direct and participate in, with department head cooperation, the preparation and administration of the City budget.
- Prepare long term plans of capital improvements including financing plans.
- Plan, coordinate, and direct the work of the City departments.
- Confer with department heads concerning administrative and operational issues, work plans, and strategic plans; assess operational needs; make appropriate decisions and recommendations.
- Establish general administrative goals and objectives for the City and directs the preparation of related plans and procedures.
- Prepare and propose the annual budget, providing for a balancing of revenues and expenditures; keep City Council advised of financial conditions, program progress, and present and future needs of the City.
- Respond to City Council inquiries regarding matters related to the City and ensure that council directives are carried out.
- Meet with and advise the City Council in the determination of policies and reports on financial status and general conditions of the City; recommend legislation and policies required in the public interest.

- Educate and inform stakeholders on the merits, challenges, and alternative solutions for City programs, policies and activities.
- Oversee the enforcement of all City ordinances.
- Direct the preparation of plans and specifications for work which the City Council orders.
- Interpret, analyze, and explain policies, procedures, and programs.
- Confer with residents, taxpayers, businesses, and other individuals, groups, and outside agencies having an interest or potential interest in affairs of City concern.
- Respond to media inquiries, City Council concerns and issues, and community needs.
- Respond to the most difficult, sensitive, and/or controversial issues, complaints and requests for information.
- Investigate complaints regarding the management of City departments; conduct or direct investigation into complaints, problems, and service levels; resolve public complaints.
- Represent the City to all departments, in the community, and at professional meetings.
- Coordinate City activities with other governmental agencies and outside organizations; attend and participate in professional group meetings; stay abreast of new trends and innovations in the field of city management and administration.
- Select, supervise, train, and evaluate staff.
- Perform the duties of the City Manager as described in the Milpitas Municipal Code.
- Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Modern municipal administrative principles and practices, organization, and functions.
- Current social, political, and economic trends and operating problems of municipal government.
- Applicable Federal and State laws, rules, and regulations regarding local government operations.
- Principles of effective public relations and interrelationships with community groups and agencies, private businesses and firms, and other levels of government.
- Laws and regulations regarding City management, City contracts for public services, budget, finance, and public personnel administration.
- Effective supervisory, leadership, and management techniques.

Ability to:

- Communicate clearly and concisely, both orally and in writing.
- Analyze, interpret, summarize, and present administrative and technical information and data in an effective manner.
- Appraise situations and people accurately and quickly, and adopt an effective course of action.
- Manage and provide leadership; serve effectively as the administrative officer of the City Council.
- Select, supervise, train, motivate, coach, and evaluate staff.

- Develop and implement effective City organizational policies and procedures.
- Establish priorities and direct the allocation of City resources.
- Build and maintain positive working relationships with those contacted in the course of work, including City Council, co-workers, department heads, other city employees, and the public using principles of good customer service.
- Work with various cultural and ethnic groups in a tactful and effective manner.

EDUCATION AND EXPERIENCE

Any combination of experience and education that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

- Equivalent to a Master's degree from an accredited college or university with major course work in business administration, public administration, political science or a closely related field; or a Bachelor's degree in business administration, public administration, political science or a closely related field with at least two years of city management experience.

Experience:

- Four to seven years of experience in city government, management and administration, including significant responsibility within the operation of a City Manager's Office

CERTIFICATE

- Possession of a valid Class C California Driver's License.

SPECIAL REQUIREMENTS:

Essential duties require the following physical abilities and work environment:

Work in a general office environment; sit and/or stand for long periods of time, repetitive keyboarding; reach, squat, lift, and carry up to 25 pounds; able to travel to various locations within and outside the City of Milpitas.

Approved by:

City Manager

Date

Human Resources Director

Date

Title VI - PERSONNEL

| | | | |
|------------------|---|-------|--|
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| VI-1 | City Manager | 419 | |
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Chapter 1 - CITY MANAGER

Sections:

Section 1 - Establishment

The office of City Manager and the City Manager form of government is hereby established in the City of Milpitas pursuant to the provisions of Section 34851a et seq., of the Government Code of the State of California.

(Ord. 63 (part), 8/20/57)

Section 2 - Duties and Responsibilities

VI-1-2.01 - Manager Responsible to the Council

The City Manager shall be the chief executive officer of the City Council of the City of Milpitas and shall act as the agent for and on behalf of the Council in the discharge of its administrative functions. He shall be responsible to the City Council for the administration of all affairs of the City except as otherwise provided herein.

(Ord. 63 (part), 8/20/57)

VI-1-2.02 - Manager Shall Attend All City Council Meetings and Make Reports

The City Manager shall attend all regular and special meetings of the City Council. He shall report to the Council as requested by the City Council and as he deems necessary. He shall keep the Council advised of the financial condition and future needs of the city and shall make such recommendations as he may deem desirable.

(Ord. 63 (part), 8/20/57)

VI-1-2.03 - Appointment and Removal of Employees by Manager

The City Manager shall be the "appointing officer" of the City, and shall have the power to appoint and dismiss all subordinate appointive officers and employees, subject to the provisions of the City's Municipal Code. Provided, however, that the provisions of this Section shall not apply to the City Attorney.

(Ord. 52.5 (part), 11/18/97: Ord. 63 (part), 8/20/57)

VI-1-2.04 - Council Dealing with Administrative Staff through City Manager

Except for purposes of inquiry, the City Council and its members shall deal with the administrative staff solely through the City Manager.

(Ord. 63 (part), 8/20/57)

VI-1-2.05 - Preparation and Administration of the Budget

The City Manager shall prepare the budget annually and submit it to the City Council, and he shall be responsible for its administration after adoption. He shall supervise the expenditures of and act as the purchasing agent for all the departments, divisions and services of the city government. The City Manager shall prepare and submit to the City Council a complete report as of the end of each fiscal year on the finances and administrative activities of the City during the preceding year.

(Ord. 63 (part), 8/20/57)

VI-1-2.06 - Performance of Other Duties

The City Manager shall perform such other duties as are consistent with this chapter and as may be prescribed by ordinance, resolution, or order of the City Council.

(Ord. 63 (part), 8/20/57)

VI-1-2.07 - Designation of Administrative Officer when Manager is Absent or Disabled

The City Manager may designate in writing a qualified administrative officer of the City to perform his duties during his temporary absence or disability. In the event of the failure of the City Manager to make such designation, the Council may by resolution appoint an officer of the City to perform the duties of the City Manager until he shall return or his disability shall cease.

(Ord. 63 (part), 8/20/57)

VI-1-2.08 - Creation of Departments and Subdivisions

The work of the city government may be distributed among such departments, divisions, and services thereof as may be established by ordinance of the City Council upon recommendation of the City Manager. Pending the passage of an ordinance distributing such work, the Manager may establish temporary departments, divisions, and services.

(Ord. 63 (part), 8/20/57)

VI-1-2.09 - Furnishing Bond

The City Manager shall furnish a bond to the City of Milpitas conditioned upon the faithful performance of his duties in a penal sum and with such corporate surety as the Council may require. The premium for said bond shall be paid by the City of Milpitas.

(Ord. 63 (part), 8/20/57)

VI-1-2.10 - Appointment and Removal

The City Manager shall be appointed by a majority of the City Council and shall serve until he or she is removed by a majority of the members or until his or her resignation.

(Ord. 52.4, 2/2/93; Ord. 63 (part), 8/20/57)

VI-1-2.11 - Notice of Resignation

The City Manager may resign from his position upon at least thirty (30) days' notice in writing to the City Council.

(Ord. 63 (part), 8/20/57)

VI-1-2.12 - Compensation

The compensation, annual leave, sick leave and other recompense of the City Manager and perquisites of his office shall be as determined by order or resolution of the City Council.

(Ord. 63 (part), 8/20/57)

VI-1-2.13 - Assigning Additional Duties

Wherever any order, resolution or ordinance of the City Council of the City of Milpitas has heretofore or hereafter assigned any power or duty or granted any right or privilege to the City Administrator of the City of Milpitas, the City Manager of the City of Milpitas shall be empowered and shall be assigned said power or duty and shall be granted said right or privilege.

(Ord. 63 (part), 8/20/57)

VI-1-2.14 - Signatures.

The City Manager and his or her designee, upon approval of the City Council, shall have the authority to sign and execute the following instruments:

- (a) All warrants drawn on the City Treasury.
- (b) All written contracts and conveyances made or entered into by the City.
- (c) All instruments requiring the City seal.

(Ord. 63.2, 6/15/99)

Section 3 - Transfer of Duties to City Manager

VI-1-3.01 - City Clerk

Pursuant to the provisions of Section 34004 of the Government Code of the State of California, the City Council of the City of Milpitas does hereby transfer from the City Clerk of the City of Milpitas to the City Manager of the City of Milpitas, any duty imposed upon said Clerk by any law of the State of California or any rule or regulation adopted under the authority of any such law except as hereinafter provided, and any duty imposed upon the City Clerk by any ordinance or resolution of the City of Milpitas, or any rule or regulation adopted under the authority of any ordinance or resolution of the City of Milpitas except as hereinafter provided:

(Ord. 52.2, 1/16/63)

3.01-1 Exception: The City Clerk may sign and execute any evidence of indebtedness, bond, indenture, or document specified by law or contract to be signed or executed by the City Clerk in connection with the issuance, sale or redemption of bonds, and evidences of indebtedness, and the qualification for or acceptance of grants, the proceedings for the authorization or incurring of which have been conducted by, or pursuant to the authority of the City Council.

(Ord. 52.2, 1/16/63)

3.01-2 Exception: The City Clerk shall have concurrent authority (with the City Manager) to administer oaths or affirmations and take and certify affidavits and depositions pertaining to city affairs and business pursuant to the authority granted by 40814 of the Government Code of the State of California.

(Ord. 52.2, 1/16/63)

VI-1-3.02 - Treasurer

Pursuant to the provisions of 34004 of the Government Code of the State of California, the City Council of the City of Milpitas does hereby transfer from the City Treasurer of the City of Milpitas to the City Manager of the City of Milpitas, any duty imposed upon said Treasurer by any law of the State of California or any rule or regulation adopted under the authority of any such law except as hereinafter provided, and any duty imposed upon the City Treasurer by any ordinance or resolution of the City of Milpitas, or any rule or regulation adopted under the authority of any ordinance or resolution of the City of Milpitas except as hereinafter provided:

(Ord. 52.2, 1/16/63)

3.02-1 Exception: The City Treasurer may continue to sign voucher checks of the City of Milpitas to the extent granted by resolution of the City Council enacted under authority of 37203 of the Government Code.

3.02-2 Exception: The City Treasurer may sign and execute any evidence of indebtedness, bond, indenture, or document specified by law or contract to be signed or executed by the City Treasurer in connection with the issuance, sale or redemption of bonds, and evidences of indebtedness, and the qualification for or acceptance of grants, the proceedings for the authorization or incurring of which have been conducted by, or pursuant to the authority of, the City Council.

(Ord. 52.2, 1/16/63)

VI-1-3.03 - Performance of Duties Transferred

It shall be the duty of the City Manager to perform such duties as have been transferred to him, pursuant to the provisions of this section.

(Ord. 52.2, 1/16/63)

VI-1-3.04 - City Manager Empowered to Appoint Clerk and Treasurer

Pursuant to the provisions of Section 36510 of the Government Code of the State of California, the City Manager of the City of Milpitas is hereby empowered to appoint the City Clerk and the City Treasurer.

(Ord. 52.3, 9/18/73)

Section 4 - Employment Contracts

VI-1-4.00

Nothing herein contained shall be construed to prevent the City Council from entering into a written contract of employment with the City Manager. Said contract may, in addition to such other provisions as shall not be in conflict with the provisions of this Chapter, provide for severance pay to the City Manager in the event his employment is terminated by City. No contract of employment, however, shall exceed a term of four years. No contract of employment shall contain any provision inconsistent with the provisions of this Chapter.

(Ord. 63.1, 9/5/78)

VI-1-4.01 - Declaratory of Existing Law

The Council finds and determines that the provisions of this Section VI-1-4.00 are declaratory of existing law and do not constitute a change in said law.

(Ord. 63.1, 9/5/78)

Chapter 3 - DEPARTMENTS, ASSIGNMENTS AND APPOINTMENTS

Sections:

VI-3-1.00 - Establishment of Departments of City

Pursuant to the provision of Section VI-1-2.08 of the Milpitas Municipal Code, the work of the City government shall be distributed among the following departments of the City:

- A. City Manager;
- B. City Attorney;
- C. Finance;
- D. Human Resources;
- E. Information Services;
- F. Planning and Neighborhood Services;

- G. Public Works;
- H. Engineering;
- I. Police;
- J. Fire;
- K. Building and Safety; and
- L. Recreation and Community Services.

(Ord. No. 197.14, § 1, 6/6/17; Ord. No. 197.13, § 2, 6/2/15; Ord. No. 197.12, § 2, 6/5/12; Ord. No. 197.11, § 2, 6-16-09; Ord. 197.10 (1), 6/19/07; Ord. 197.9, 6/6/06; Ord. 197.7, 7/3/01; Ord. 197.6, 9/5/95; Ord. 197.5, 3/21/95; Ord. 197.4, 5/4/94; Ord. 197.3 (A), 8/5/86; Ord. 197.2, 3/16/79; Ord. 197.1 (part), 9/5/78)

VI-3-2.00 - Divisions and Distribution of Work

Subject to other provisions of law, the work of the City government shall be assigned to such departments and such divisions within such departments as the City Manager shall establish and determine.

(Ord. 197.1 (part), 9/5/78)

VI-3-3.00 - Appointment and Removal of Department Heads

The City Manager shall appoint, and at his or her pleasure may dismiss, all City Department Heads. The City Manager's power to appoint and dismiss as described in this Ordinance may not be amended or limited, except as expressly imposed by formal action of the City Council.

(Ord. 52.5 (part), 11/18/97; Ord. 197.1 (part), 9/5/78)

VI-3-4.00 - Severance Payments for Specified "At-Will" Positions

1. Application. The ordinance codified in this Section shall permit the payment of severance to City employees serving in any of the following positions on an "at-will" (i.e., exempt) basis: Department Heads; Chief Building Official; and City Engineer (hereafter "qualifying positions").
2. Severance Schedule. In exchange for a general release in a form subject to approval by the City Attorney, the City Manager may grant severance pay pursuant to this Section on the following schedule. Severance pay shall be based on an employee's base salary at the time of separation and is subject to all applicable withholding as determined by the City or appropriate taxing authorities:

For employees with up to one year of City service in a qualifying position: Four weeks' salary.

For employees with greater than one year, but no more than five years, of City service in a qualifying position: Four weeks' salary, plus two weeks' salary for each additional year of City service in a qualifying position (maximum twelve weeks' salary).

For employees with greater than five years of City service in a qualifying position: Twelve weeks' salary, plus one week's salary for each additional year of City service in a qualifying position not to exceed a total of four additional weeks' salary.

3. Criteria and Administration.

- (a) The maximum amount of severance payable under this Section sixteen weeks' salary. The minimum City service required in a qualifying position in order to receive this amount is nine years.
- (b) A year of City service means at least 2080 hours during a twelve-month period in a paid status.
- (c) Severance payments under this Section shall not be paid until after the City Attorney approves the release and after any statutory waiting periods have expired (e.g., the seven-day waiting period under the ADEA).
- (d) Severance payments may be made under this Section only after an employee is dismissed without cause or is laid off. Employees who voluntarily resign, retire, or who are dismissed "for cause" are ineligible for severance payments made under this section. Dismissal "for cause" includes any dismissal made for reasons of fraud, dishonesty, insubordination, theft, misappropriation or misuse of City property, excessive absenteeism, actions prohibited by the City's anti-discrimination policies, or conduct that would constitute a crime. The City Manager shall have the discretion to determine whether dismissals are "for cause" under this section.

(Ord. 197.8, 6/4/02)

Chapter 10 - PUBLIC SAFETY DISPATCHER TRAINING AND SELECTION

Sections:

VI-10-1.00 - Purpose

The City of Milpitas declares that it desires to qualify to receive aid from the State of California under the provisions of Section 13522, Chapter 1, of Title 4, Part 4, of the California Penal Code.

(Ord. 235 (part), 4/3/90)

VI-10-2.00 - State Standards

Pursuant to Section 13510(c), Chapter 1, the City of Milpitas will adhere to standards for recruitment and training established by the California Commission on Peace Officer Standards and Training (POST).

(Ord. 235 (part), 4/3/90)

VI-10-3.00 - Adherence to Standards

Pursuant to section 13512, Chapter 1, the Commission and its representatives may make such inquiries as deemed appropriate by the Commission to ascertain that the City of Milpitas public safety dispatcher personnel adhere to standards for selection and training established by the Commission on Peace Officer Standards and Training.

(Ord. 235 (part), 4/3/90)

Chapter 101 - PERSONNEL SYSTEM

Sections:

[Section 1. - Adoption of Personnel System]

VI-101-1.00 - Adoption of Personnel System

In order to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness as determined by competitive test; and to provide a reasonable degree of security for qualified employees, the following personnel system is hereby adopted.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

[Section 2. - Personnel Officer]

VI-101-2.00 - Personnel Officer

VI-101-2.01 - Duties and Responsibilities

The City Manager shall be ex-officio personnel officer. The City Manager may delegate any of the powers and duties as personnel officer under this Chapter to any other officer or employee of the City or may recommend that such powers and duties be performed under contract as provided in Section VI-101-15 of this Chapter. The Personnel Officer shall:

2.01-1 Administer all the provisions of this Chapter and of the personnel rules not specifically reserved to the Council.

2.01-2 Prepare and recommend to the Council revisions and amendments to the personnel rules. The City Attorney shall approve the legality of such revisions and amendments prior to their submission to the Council.

2.01-3 Prepare a position classification plan, including class specifications, and revisions of the plan. The plan, and any revisions thereof, shall become effective upon approval by the Council.

2.01-4 Prepare a plan of compensation, and revisions thereof, covering all classifications in the competitive service. The plan, and any revisions thereof, shall become effective upon approval by the Council.

(Ord. 111.8 (C)(part), (D), 4/17/90; Ord. 111 (part), 8/6/63)

[Section 3. - Competitive Service]

VI-101-3.00 - Competitive Service

The provisions of this Chapter shall apply to all offices, positions, and employments in the service of the City, except the following "exempt" positions.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

VI-101-3.01 - Positions Exempt from Competitive Service

3.01-1 All elected officials.

3.01-2 Members of appointive boards, commissions and committees.

3.01-3 Persons engaged under contract to supply expert, professional or technical services for a definite period of time.

3.01-4 Volunteer personnel, such as volunteer firemen, who receive no regular compensation from the City.

3.01-5 The City Attorney, the City Clerk, and City Treasurer.

3.01-6 The City Manager and Assistant City Manager.

3.01-7 Department Heads, Directors, Division Heads and other employees with significant responsibility for formulating and administering City policies and programs.

(Ord. 111.8 (C)(part), (E), 4/17/90; Ord 111.2, 6/22/70; Ord. 111 (part), 8/6/63)

[Section 4. - Adoption of Rules]

VI-101-4.00 - Adoption of Rules

Personnel rules, prepared by the City Manager subject to this Chapter and to revision by the Council, shall be adopted, and may be amended from time to time, by resolution of the Council. The rules shall establish specific procedures and regulations governing the following phases of the personnel system:

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

VI-101-4.01 - Coverage of Such Rules

4.01-1 Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class.

4.01-2 Preparation, revision, and administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class.

4.01-3 Public announcement of all tests and the acceptance of applications for employment.

4.01-4 Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment.

4.01-5 Certification and appointment of persons for employment lists, and the making of temporary and emergency appointments.

4.01-6 Transfer, promotion, demotion, and reinstatement of employees in the competitive service.

4.01-7 Separation of employees from the City service through lay-off, suspension, and dismissal.

4.01-8 Standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare, and training.

4.01-9 Suitable provision for orderly and equitable presentations to the City Manager and to the City Council by employees relating to general conditions of employment.

4.01-10 Content, maintenance, and use of personnel records and forms.

4.01-11 Not codified.

4.01-12 Any other procedures and regulations necessary to carry out the provisions of this Chapter.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

[Section 5. - Appointments]

VI-101-5.00 - Appointments

VI-101-5.01 - Competitive

Examinations

Appointments to vacant positions in the competitive service shall be made in accordance with the personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examinations. Examinations shall not be required for the reinstatement of employees to the same or comparable class, for which they are qualified and from which they were separated as a result of resignation in good standing or reduction in force.

Provided however, the City Council shall be entitled to establish preference in the competitive examination procedure for veterans of the United States armed forces as defined by and under rules and regulations adopted by the City Council by resolution.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111.7, 2/18/86; Ord. 111 (part), 8/6/63)

VI-101-5.02 - Power to Make Appointments

Appointments shall be made by the City Council, City Manager, Department Heads, Personnel Officer or the officer in whom the power to make appointments is vested by law.

(Ord. 111.8 (C)(part), (F), 4/17/90; Ord. 111 (part), 8/6/63)

VI-101-5.03 - Temporary appointment

In the absence of appropriate employment lists, a temporary appointment may be made in accordance with the Personnel Rules.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

VI-101-5.04 - Emergency appointments

Emergency appointments shall be made in accordance with state law and the personnel rules.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

Section 6 - Probationary Period

All regular appointments, including promotional appointments, shall be for a probationary period of not less than six months.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

Section 7 - Status of Present Employees

VI-101-7.01 - Exemption From Qualifying

Any person holding a position included in the competitive service who, on the effective date of this Chapter, shall have served continuously in such position for a period equal to the probationary period prescribed in the rules for his class, shall assume regular status in the competitive service in the position held on such effective date without qualifying test, and shall thereafter be subject in all respects to the provisions of this Chapter and the personnel rules.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

VI-101-7.02 - Present Employee in Probationary Period

Any other persons holding positions in the competitive service shall be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the rules before obtaining regular status. The probationary period shall be computed from the date of appointment or employment.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

Section 8 - Applicability of Rules to Certain Exempt Positions

The provisions of the personnel rules relating to attendance and leaves shall apply to the incumbents of full-time exempt positions.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

Section 9 - Appointments Subject to Ordinance

The City Council, City Manager, and any other officer in whom is vested the power to appoint, make transfers, promotions, demotions, reinstatements, lay-offs, and to suspend or dismiss employees, shall retain such power, subject to the provisions of this chapter and the personnel rules.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

Section 10 - Suspension

Any person holding a position or employment in the competitive service shall be subject to disciplinary suspension without pay by the appointing power, provided that such suspensions are in accordance with the provisions of this chapter and the personnel rules relating to appeals procedure.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

Section 11 - Right of Appeal

Except as otherwise provided in a Memorandum of Understanding approved by the City Council, any employee shall have the right to appeal any disciplinary action, suspension, demotion, reduction or alleged violation of the personnel ordinance or rules. The administration of appeals shall be governed by the personnel rules.

(Ord. 111.8 (C)(part), (G), 4/17/90: Ord. 111.7 (part), 1/6/87: Ord. 111 (part), 8/6/63)

Section 12 - Improper Political Activity

Any person holding an office or employment in the competitive service shall not:

- (a) Deleted by Ord. 111.3.
- (b) During hours of work, or when dressed in the uniform required in any department of the City government or when wearing any City insignia required or permitted in any department of the City government or while identifying himself as an officer or employee of the City of Milpitas, participate in any City, District, County, State, Federal or other political activity or participate in any nomination, campaign or election (except as expressly authorized by the City Manager of City.)
- (c) Use his office or employment or title or City uniform or City insignia in connection with any City, District, County, State, Federal or other political activity or in connection with any nomination, campaign or election (except as expressly authorized by the City Manager).

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111.3, 6/18/74; Ord. 111.1, 5/28/68; Ord. 111 (part), 8/6/63)

Section 13 - Activities Not Affected

This chapter does not prevent any officer or employee from:

- (a) Becoming or continuing to be a member of a political club or organization.
- (b) Attendance at a political meeting.
- (c) Enjoying entire freedom from all interference in casting his vote.
- (d) Seeking or accepting election or appointment to public office while on leave of absence.
- (e) Seeking signatures to any initiative or referendum petition directly affecting his rates of pay, hours of work, retirement, civil service, or other working conditions provided such activity is not carried on during hours of work.
- (f) Distributing badges, pamphlets, dodgers, or handbills or other participation in any campaign in connection with such petition if the activity is not carried on during hours of work, or when he is dressed in the uniform required in any department of the city government.

The violation of any provision of Sections 12 or 13 is ground for discharge of any officer or employee.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

Section 14 - Discrimination

All recruitment, hiring, placements, transfers and promotions shall be on the basis of qualifications of the individual for the positions being filled regardless of race, color, religion, ancestry, national origin, age (over forty years), sex, marital status, medical condition (cured or rehabilitated cancer), physical handicap, political affiliation or union activity. All other personnel actions, such as compensation, benefits, layoffs, returns from layoffs, disciplinary actions, training and social and recreational programs shall also be administered regardless of race, color, religion, ancestry, national origin, age (over forty years), sex, marital status, medical condition, physical handicap, political affiliation or union activity.

(Ord. 111.8 (C)(part), (H), 4/17/90: Ord. 111 (part), 8/6/63)

Section 15 - Right to Contract for Special Service

The City Manager shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The Council may contract with any qualified person or agency for the performance of all or any of the following responsibilities and duties imposed by this Chapter:

- (a) The preparation of personnel rules and subsequent revisions and amendments thereof.
- (b) The preparation of a position-classification plan, and subsequent revisions and amendments thereof.
- (c) The preparation of a plan of compensation, and subsequent revisions and amendments thereof.
- (d) The preparation, conduct and grading of competitive tests.
- (e) Special and technical services of advisory or informational character on matters relating to personnel administration.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

Section 16 - Appropriation of Funds

The Council shall appropriate such funds as are necessary to carry out the provisions of this Chapter.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

Section 17 - Penalty Provision

See I-1-4.09-1

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

Section 18 - Regulations Regarding Nepotism

VI-101-18.01

As used herein, the term "relative" means the following relationships by blood, marriage or adoption: Spouse, father, mother, sister, brother, son, daughter, niece, nephew, aunt, uncle, stepfather, stepmother, stepsister, stepbrother, stepson, stepdaughter.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

VI-101-18.02

The provisions of this Section shall not apply to any officer, employee or appointee holding any office, employment or appointment prior to thirty days following the adoption of this Section.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111 (part), 8/6/63)

VI-101-18.03

No person shall be disqualified for appointment as an employee of the City or disqualified from assignment or transfer for the sole reason that said person is a relative of another City officer or employee except as follows:

- a) No person shall serve in a position where said person is subject to supervision, evaluation, discipline or having his/her compensation determined by a relative.
- b) No person who is a relative of a department head shall serve in the department of said department head.
- c) No person who is a relative of a division head shall serve in the same division as said division head.
- d) No relative of the City Manager, Mayor, or of any City Council member shall serve in any city position provided nothing herein contained:
 - (i) shall be a limitation upon the power of the electorate to elect a Mayor or Council member, notwithstanding the fact that at the time of said election, said Mayor or Council member shall have a relative employed by the City
 - (ii) shall be a limitation upon the power of the Mayor or Council to appoint any Council member or other City officer, notwithstanding the fact that at the time of the appointment, the appointee has a relative employed by the City.

(Ord. 111.8 (C)(part), 4/17/90; Ord. 111.6, 2/18/86; Ord. 111 (part), 8/6/63)

Chapter 102 - PROVISIONS FOR REDUCING CITY WORK FORCE

Sections:

Section 1 - Abolition or Reduction of Authorized Positions

VI-102-1.00

Whenever in the judgment of the City Council it becomes necessary in the interest of economy or because the necessity for any authorized position in the City service no longer exists, the City Council may eliminate or reduce the number of any or all authorized positions within the City service without the right of appeal of the decision to eliminate or reduce the positions.

(Ord. 111.5 (part), 6/20/78)

Section 2 - Demotion Within the Competitive Service Classifications Above the Entry Level

VI-102-2.00

In reducing the number of personnel within classification(s) the least senior employee(s) within the affected class(es) shall be displaced either through demotion or lay-off. Seniority for the purpose of this section, is defined as the employee's total time served within the specified classification, or higher classification(s) within the job series. In the event two or more employees have served the same amount

of time in a classification, seniority shall be determined by their respective position on the employment list for the specified classification. All temporary employees in the affected class or classes shall be laid off prior to the displacement of any probationary or permanent employee.

Any permanent employee who is displaced as provided for in Section 1, may elect to accept a demotion in lieu of lay-off to a lower level related classification, or an unrelated classification previously held on a permanent basis, provided, however, that two conditions are met:

- 1) that the employee accepting demotion meets the qualifications for the classification he/she has elected for the demotion OR has previously held the classification; and
- 2) that the employee accepting demotion must have a length of service either in the higher classification(s), the classification he/she is considering for demotion, or a combination of both which is greater than the least senior employee in the classification to which he/she intends to accept the demotion.

(Ord. 111.5 (part), 6/20/78)

Section 3 - Exempt Employees May Return to the Competitive Service

VI-102-3.00

Any exempt employee who was promoted from the Competitive Service may elect a demotion to the Competitive Service in lieu of layoff. Once elected, said employee shall be eligible for demotion to a lower level classification in accordance with the provisions of Section 2.

(Ord. 111.8 (I)(part), 4/17/90: Ord. 111.5 (part), 6/20/78)

Section 4 - Lay-Off

VI-102-4.00

Seniority, for the purpose of this section, shall be defined as the total cumulative time of City service and shall be observed in effecting lay-offs. The order of lay-off shall be in the reverse order of total cumulative time served in permanent positions in the City service upon the effective date of lay-off. Lay-off shall be made within classes of positions, and all temporary employees in the affected class or classes shall be laid off prior to the lay-off of any probationary or permanent employee.

Each employee laid off shall receive a final performance evaluation to be based on job performance since the employee's last performance appraisal. Thereafter, the Department head shall certify as to the affected employee's competency if overall service in the classification has been satisfactory. If not certified as having given satisfactory service, the employee laid off may interpret the action as a discharge and request a hearing as provided by the Personnel Ordinance. An employee who is laid off must be certified as competent, in order to be placed on the re-employment list.

(Ord. 111.5 (part), 6/20/78)

Section 5 - Time Served on Military Leave

VI-102-5.00

For the purpose of determining displacement within classifications in accordance with this Chapter, time served on military leave shall be included as time served within the classification held at the time the military leave was taken, and in accordance with the Military and Veterans Code of the State of California.

(Ord. 111.5 (part), 6/20/78)

Section 6 - Notice of Lay-Off

VI-102-6.00

Pursuant to Section 1 of this Chapter, the City shall provide employees who may be affected by lay-off, a thirty (30) calendar day written preliminary notice of intent to lay-off. The preliminary notice shall also advise the employee whether, in accordance with this Chapter, they may elect demotion in lieu of lay-off. Employees who are notified that they may elect demotion in lieu of lay-off, must advise the City Manager's Office within fifteen (15) calendar days, of their decision to exercise the demotion option or forfeit their rights to the demotion in lieu of lay-off. Thereafter, the City shall provide a written confirmed notice of lay-off at least ten (10) working days prior to the effective date of lay-off. Reasonable effort shall be made to ensure notification. The recognized employee group representatives for the affected classes shall be notified concurrently on the preliminary and confirmed lay-off notices.

(Ord. 111.5 (part), 6/20/78)

Section 7 - Re-Employment Lists

VI-102-7.00

The names of probationary and permanent employees laid off or demoted in accordance with this Chapter shall be placed on a re-employment list in the reverse order of their displacement, whether it be by lay-off or demotion. The lists shall be prepared by classes which, in the opinion of the City Manager, require basically the same qualifications and duties and responsibilities for those of the class or classes of positions from which lay-off or demotion occurred. Re-employment lists shall remain in effect for seven years following their promulgation, except that the names of employees who are laid off shall be removed after three years.

Employees who are laid off in accordance with this Chapter are required to keep the City Manager's Office informed of any change of address or telephone number. Employees shall be returned in the reverse order of their displacement.

An employee's name shall be removed from the re-employment list, if:

- 1) the individual has been certified for appointment three times and has refused the appointments; and/or
- 2) has resigned from City service during the period the list is in effect.

In the event an employee's name is removed from the re-employment list for refusing an appointment three times, he/she may petition the City Manager in writing for reinstatement to the list. If good cause can be demonstrated as to why the individual did not accept any of the appointments, the City Manager may reinstate the individual to the list.

(Ord. 111.5 (part), 6/20/78)

Section 8 - Conditions of Re-Employment

VI-102-8.00

Upon re-employment, any employee who was laid off in accordance with Section 4 of this Chapter shall have his/her status restored and/or modified pursuant to the existing Memorandum of Understanding in effect at the time of lay-off or subsequent Memorandum of Understanding. The intent of this section is to restore at least the following:

- 1) the same vacation accrual rate;
- 2) his/her sick leave balance in effect at the time of lay-off;
- 3) his/her seniority (time served in permanent positions within the City service), at the time of lay-off;
- 4) if re-employed in the same classification, or substantially the same classification, the employee shall be returned to the same step of the current salary range for that classification;
- 5) if re-employed in a lower classification, the employee's salary shall be established as though he/she had been demoted to the position; and
- 6) upon re-employment the applicant shall provide a written statement that he/she has not incurred any disability during the period of lay-off which would prevent the applicant from performing the duties of that position.

(Ord. 111.5 (part), 6/20/78)

Section 9 - Waiver

VI-102-9.00

Unless modified herein, all other existing provisions remain as established.

(Ord. 111.5 (part), 6/20/78)

Section 10 - Severability

See I-1-4.12

(Ord. 111.5 (part), 6/20/78)

Section 11 - Criteria for Demotion Within Exempt Classifications

VI-102-11.00

In reducing the number of exempt personnel, displacement within classification(s) shall be made by the City Manager after reviewing the Department Head's recommendation and may take into consideration the following four factors:

- 1) consideration of the seniority of the employee(s) affected;
- 2) the nature of the services performed by the employee(s) affected or which the employee(s) affected are capable of rendering;
- 3) the importance of the service rendered to the City and to the community; and

4) the availability of funds.

(Ord. 111.8 (I)(part), 4/17/90: Ord. 111.5 (part), 6/20/78)

Section 12 - Outsourcing of Sworn Safety Personnel

VI-102-12.00

Police and Fire services are currently provided by employees of the City within Departments of the City utilizing City owned facilities and equipment. Any proposal to outsource the public safety functions of these departments as currently organized may not be implemented without first being approved by the voters of the City of Milpitas. Outsourcing within the meaning of this Ordinance means laying off or terminating the employment of the employees currently providing these services and replacing those persons with personnel not employees of the City. This provision shall not affect the authority of the City to otherwise reduce its workforce, as provided in this Chapter, or to take disciplinary action regarding any employee for cause, or otherwise exercise management authority to organize these departments and personnel as allowed under this Code, the Personnel Rules and applicable MOU provisions.

(Ord. No. 283, § 2, 11/6/12)

**CITY COUNCIL
AGENDA ITEM REQUESTS**

| Request No. | Topic | Submitted by: | A, F, or CM | Date requested or Rec'd Form | To CC Rules Subcomm: | on City Council meeting agenda this date: |
|-------------|--|---------------|-------------------|---------------------------------|-------------------------|---|
| 2020 | | | | | | |
| 15 | Request Discussion on possible tax measures | Tran, Phan | A | 4/21/2020 | | 5/15/2020 |
| 14 | Community Workforce Agreement | Nuñez | A | 2/18/2020 | | |
| 13 | Discuss having 4th of July parade | Nuñez | A | 2/18/2020 | | |
| 12 | Responsible Construction Ordinance | Phan | A | 2/4/2020 | | |
| 11 | Support for Laura's Law | Phan | A | 2/4/2020 | | 5/19/2020 |
| 10 | Request for Dumpster Days | Tran | A | 1/7/2020 | | |
| 9 | Resolution in support of elimination of discrimination v. women | Dominguez | A | 1/7/2020 | | 5/19/2020 |
| 8 | Proposed ban on vaping, restrict smoking | Montano | A | 1/7/2020 | | 3/3/2020 |
| 7 | Report on speed cameras like Fremont (radar displays) - no enforcement | Phan | A | 1/7/2020 | | |
| 2019 | | | | | | |
| 6 | Have "Dumpster Days" | Tran, Montano | F | 9/17/2019 | 9/20/2019 | |
| 5 | Establish Railroad quiet zone | Tran, Montano | F | 9/17/2019 | 9/20/2019 | |
| 4 | Consider Community Museum and Park on Main St. | Nuñez, Phan | F | 8/20/2019 | 8/23/2019 | |
| 3 | Rename Dixon Landing Rd as Barack Obama Blvd | Nuñez, Phan | F | 8/20/2019 | 8/23/2019 | |
| 2 | policy for Proclamations and Commendations | Nuñez, Phan | F | 8/20/2019 | 8/23/2019 | |
| 1 | policy for Social Media | Nuñez, Phan | F | 8/20/2019 | 8/23/2019 | |

CITY COUNCIL AGENDA ITEM REQUESTS

COMPLETED ITEMS

2020

| | | | | | | |
|--|--|--------------------|---|-----------|--|---|
| | Request to Adopt Resolution similar to County's re: xenophobia, discrimination | Dominguez | A | 4/21/2020 | | 5/5/2020 |
| | Support community distribution of masks | Dominguez | A | 4/7/2020 | | 4/21/2020 |
| | Proclamation and support for face coverings | Montano | A | 4/7/2020 | | 4/21/2020. CC directed City Mgr to issue regs |
| | Establish coronavirus testing site in Milpitas | Phan | A | 4/7/2020 | | done |
| | Parade for MHS Trojans Football | Tran, City Manager | A | 1/21/2020 | | 1/28/2020 |
| | Street/traffic calming update | Nuñez | A | 1/7/2020 | | 3/3/2020 |
| | Report on parking in The Pines | Nuñez | A | 1/7/2020 | | 2/18/2020 |
| | Info. on new SB 50 (housing, transit bill) | Phan | A | 1/7/2020 | | memo |

2019

| | | | | | | |
|--|---|---------------|---|-----------|-----------|------------------------------|
| | Maintain Dagupan, P.I. as a Sister City | Tran, Montano | F | 9/17/2019 | 9/20/2019 | done |
| | Add Green Bike Lanes | Tran, Montano | F | 9/17/2019 | 9/20/2019 | done - in CIP |
| | Rename Augustine Park to include "Sunnyhills" | Tran, Montano | F | 9/17/2019 | 9/20/2019 | 2/4/2020 |
| | Community Theater, perhaps with MUSD | Nuñez, Phan | F | 8/20/2019 | 8/23/2019 | 5/14/2020 @CIP Study Session |

A: @Announcements
F: on a Form
CM: to City Manager



**Northern California
Chapter**

**We're training tomorrow's
skilled workforce today.**
abcnorcal.org

April 21, 2020

Mayor Rich Tran
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Re: Agenda Item 13. Receive and Direct Staff on Scheduling Agenda Items Requested by City Councilmembers – Community Workforce Agreement

On behalf of the Associated Builders and Contractors Northern California Chapter (ABC NorCal) and its nearly 500 essential construction and construction related firms representing 21,000 merit shop construction workers, we greatly appreciate your dedication and professionalism in response to the outbreak of the coronavirus (COVID 19). We would like to acknowledge the extensive effort all local governments have exhibited to work collaboratively with our industries to support the local economy while protecting the public safety.

We were all shocked to learn that a record number of Americans have filed for first-time unemployment - higher than anytime in US history. With the speed of the crash of the economy, we are sure that you share our concern and ongoing desire to keep some elements of the economy moving. The construction industry is predicated on maintaining a safe workplace. Our members provide an essential service to the public that should continue.

Our members have been implementing strict measures to ensure the safety of our workforce and the community during these times. They have significantly enhanced and modified their safety and stop work plans to effectively mitigate the risk for workers and their families. Our industry remains committed to the health and welfare of our workforce and the public while continuing to build a better California. The work performed by these frontline men and women is not only helping to ease a negative impact on public health but is also helping to create a better quality of life for all of our residents.

The scale of this global crisis is unprecedented, and so is the scope of the local government response. California cities of all sizes are coordinating across jurisdictional lines, enacting emergency measures to slow the spread of the coronavirus pandemic, taking action to protect individuals and small businesses on the economic margins, while spending such sums as necessary to protect public health.

There is no question Cities and towns across the Bay Area will need financial assistance to persevere through the hardship resulting from rising costs and decreasing tax revenue and fees due to COVID-19. As you continue to face unprecedented challenges on the frontlines of responding to the coronavirus outbreak in your community and doing what is necessary to ensure the health and safety of their residents, we believe now is not the time to be prioritizing a community workforce agreement.

Every contractor survey that has ever been conducted about Community Workforce Agreements (CWAs) show they decrease competition, increase costs and are a disincentive to bid.

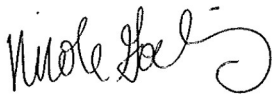
Also known as Project Labor Agreements (PLAs), we have consistently found them to create barriers for local, minority and women-owned construction employers and their employees from participating in building their community because they contain provisions that do not allow for the complete utilization of their skilled and trained workforces and exclude the men, women, and veterans who have graduated from state approved, unilateral apprenticeship training programs in pursuit of a construction career that provides stability for them, their family and their community.

It is our number one priority that our state and federally approved apprentices have ample training opportunities to fulfill their required on the job training hours in order to graduate from our apprenticeship program and become journeymen and women. PLAs/CWAs take away that opportunity.

Let's not push construction professionals away from well-paying career opportunities within their community. Let's continue to keep the work open for those essential workers who want to work, support their families and their community.

Thank you for your consideration of this request to remove the community workforce agreement from your list of council agenda item requests. Instead, let's work together on solutions that will remove barriers and maximize opportunities for all Milpitas taxpayers and residents. Please include this correspondence in your April 21, 2020 meeting minutes. Please contact me at nicole@abcnorcal.org or 925-960-8513.

Sincerely,



Nicole Goehring
V.P. Government and Community Affairs
ABC NorCal

Cc: Vice Mayor Bob Nuñez
Councilmember Karina R. Dominguez
Councilmember Carmen Montano
Councilmember Anthony Phan

About ABC:

ABC NorCal represents nearly 500 companies, both large and small, across Northern California. We are the construction professionals in your community, building your community. ABC NorCal is committed to helping people earn, learn and build construction careers in their communities. In addition to providing work opportunities in the industry, we ensure folks are trained, safe and delivering the highest quality product possible.

For over forty years ABC NorCal has done its part in training a skilled workforce in the construction trades, training over 1,500 state and federally approved apprentices, journey workers, and craft trainees each year, a vital component to the sustainability of the industry. Our diverse apprentices, journey workers and craft trainees come from all walks of life – some are fresh out of high school, some are starting a second career and some are desiring a fresh start. They emerge from the programs with a good-paying job; health benefits and the skills and training that can take their career in many directions. It is truly a path of endless opportunities.

ABC NorCal, along with its partner programs have proven track records that reduce recidivism rates, improve job readiness skills, and create long-term employment. Our partnership is a vital piece of ensuring a pathway out of poverty for the participants and a critical service to the Northern California construction community. ABC NorCal is a National Center for Construction Training & Education (NCCER) Accredited Training Facility and Assessment center.

With the state facing a Craft Professional Demand of 533,136 through December 2022, we remain committed to be the solution provider for a diverse skilled and trained workforce to build and rebuild California.



CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
GENERAL INFORMATION: 408-586-3000, www.ci.milpitas.ca.gov

5/05/2019

Agenda Item No. 12



ATTACHMENT RELATED TO AGENDA ITEM RECEIVED AFTER AGENDA PACKET DISTRIBUTION



Mary Lavelle

From: ericchristen <ericdchristen@gmail.com>
Sent: Monday, May 04, 2020 8:05 AM
To: Rich Tran; Bob Nuñez; Karina Dominguez; Carmen Montano; Anthony Phan
Cc: Christopher Díaz; Mary Lavelle; Steven McHarris; dborenstein@bayareanewsgroup.com
Subject: [BULK] What you need to know about union-only Project Labor Agreements (PLAs).
Attachments: PLA Cost to Workers.pdf; Minority_revised.pdf; City of Selma PLA.jpg; 2003-09-29 San Jose USD Contractor PLA Survey - Final Results.pdf; EBMUD PLA Contractor Survey.doc

Importance: Low

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.



City Clerk's Office
MAY 04 2020
RECEIVED

Mayor and Councilmembers,

My name is Eric Christen and I am the Executive Director of the Coalition for Fair Employment in Construction (CFEC). Formed 21 years ago to oppose Project Labor Agreements (PLAs) CFEC seeks to educate those considering their use and why that would be a terrible idea. At your February 18 council meeting Councilman Nunez asked to have this issue brought forward at a future city council meeting.

Project Labor Agreements (PLAs) are banned in 24 states and 11 entities have done the same in California Why? Because, in California's case, they implicitly and explicitly discriminate against the 85% of the workforce who are union-free.

PLAs create barriers for local, minority and women-owned construction employers and their employees from participating in building their community because they contain provisions that do not allow for the full utilization of their own workforces and force union-free workers to pay into union pension plans they will never vest in. This is wage theft. (see attached)

Furthermore, studies show these types of agreements increase project costs – anywhere from 10-30% above prevailing wage because they restrict competition. Open competition is healthy and increases quality. It levels the playing field and local money is invested into the community. With the construction market so busy right now and with more work than workers, why would you do anything that makes is less likely you'll attract bidders. If you want to see what this means in real life here is what happened to the City of Selma where they received ONE BID! Their new police station was supposed to have been awarded already but despite having 10 pre-qualified bidders only 1 ended up bidding the project. Why? As you can see **from the attached document**, staff lays the fault squarely at the feet of the PLA.

And finally, PLAs exclude the men, women, and veterans who have chosen to enter into state approved, unilateral apprenticeship training programs in pursuit of a construction career from the opportunity to work and gain the invaluable on-the-job training experience that provides stability for them, their family and their community.

For these reasons we ask you to consider the following:

1. Continue to bid your work with fair and open competition. What problems exist that this solution in the form of a PLA is to remedy? There are none.
2. Hold a study session on the issue of PLAs where both sides are allowed to fully present their side of the issue and where you can ask questions of the participants.
3. Survey contractors who do work for you and ask them about PLAs. When the San Jose Unified School District and East Bay Municipal Utility District did this they found they would receive 50% FEWER bidders and as a result they chose not to employ a PLA. (see attached)

Best regards,

Eric Christen
Executive Director
Coalition for Fair Employment in Construction
www.opencompca.com



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|------------------------|--|
| Item Title: | Hear Request of Councilmember Phan and Mayor Tran in Support of “Laura’s Law” |
| Category: | Reports of Mayor and Councilmembers |
| Meeting Date: | 5/19/2020 |
| Contacts: | Councilmember Anthony Phan, 408-586-3032 Mayor Rich Tran, 408-586-3029 |
| Recommendation: | Hear request of Councilmember Phan and Mayor Tran in Support of “Laura’s Law” and consider directing staff to send a letter of support to the County of Santa Clara. |

Background:

On February 4, 2020, Councilmember Phan requested his colleagues to consider directing staff to research and consider Council support locally of "Laura's Law" related to mandatory conservatorship by the County of Santa Clara for those with severe mental health illness.

Recommendation:

Hear request of Councilmember Phan and Mayor Tran in support of “Laura’s Law” and consider directing staff to send a letter of support to the County of Santa Clara.

Attachments:

Memorandum by Councilmember Phan and Mayor Tran
City of San Jose Letter of Support
Report to San Jose City Council with Attachments



MEMORANDUM

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
PHONE: 408-586-3000, FAX: 408-586-3056, www.ci.milpitas.ca.gov

TO: City Manager Steve McHarris
City Attorney Chris Diaz
CC: City Clerk Mary Lavelle

DATE: 02/03/2020

FROM: Mayor Rich Tran

Councilmember Anthony Phan

SUBJECT: County Implementation of Laura's Law and Enhanced Conservatorships

RECOMMENDATION

Place the following item on the February 18, 2020 Agenda for Council discussion and action; Direct the City Manager to submit a letter from the City Council to the Santa Clara County Board of Supervisors and the County Executive's Office to request County implementation of Laura's Law (Assisted Outpatient Treatment) and strengthened conservatorship policies, and add these objectives to the City's legislative priorities.

BACKGROUND

In Santa Clara County, homelessness has become a crisis. Nearly 10,000 individuals are currently homeless in Santa Clara County, and these numbers are projected to continue to increase at an alarming rate. Last year, homelessness increased at a drastic increase of 31.3% in Santa Clara County.¹

According to the U.S. Department on Housing and Urban Development, it is estimated that on average, amongst homeless individuals nationally, 45% are mentally ill and 25% are seriously mentally ill. Locally, Santa Clara County statistics show data based on self-reported responses that parallel national numbers, with 42% of homeless respondents indicating that they suffer from mental illness of some form and 35% of respondents reporting having experienced alcohol or substance abuse.

BACKGROUND ON LAURA'S LAW AND CONSERVATORSHIP

Laura Wilcox was a teenage college student shot to death in 2001, by a severely mentally deranged individual. Despite pleas from his own family and recommendation from his social worker, the individual actively refused psychiatric treatment and continued to be defiant, as he increasingly became delusional and paranoid, in the events leading up to the shooting.

In 2002, Assisted Outpatient Treatment Demonstration Project Act, also known as Laura's Law, was signed into law by Governor Gray Davis. The legislation aims to help individuals suffering with severe mental health needs by mandating their access to assisted outpatient treatment. The policy applies to those who meet a specific set of exhaustive requirements to demonstrate

¹ "County of Santa Clara, City of San Jose Release Results of 2019 Homeless Census." County News, County of Santa Clara, 16 May 2019, www.sccgov.org/sites/opa/newsroom/Pages/2019homelesscensus.aspx.

their history of non-compliance, such as if they were hospitalized or jailed at least twice within 36 months.

The policy heavily relies on County implementation and enforcement. In California, twenty Counties have opted to implement Laura's Law, with Bay Area Counties including Contra Costa, Marin, San Mateo, San Francisco and San Mateo.

In 2018, Senate Bill 1045 was signed into law, allowing the City and County of San Francisco, Los Angeles, and San Diego Counties to pilot a 5-year program of housing-based conservatorship. The bill establishes conservatorships to individuals suffering from both a severe mental illness and a substance use disorder. Ultimately, the bill increases the responsiveness of courts to individuals lacking capacity to take care of their health and welfare. Senate Bill 40, passed in 2019, similarly addresses procedures regarding 5150 psychiatric holds and expands conservatorship provisions for these often-neglected individuals, many of whom at high risk of harming themselves.

ANALYSIS

Expanding a framework for conservatorship and County implementation of Laura's Law will expand access to critical services and treatment for our community's most vulnerable struggling with severe mental health needs.

Although we acknowledge these policies will help a relatively smaller population of people who are homeless, and that there is much more work to be done to address the crisis in homelessness, however it will go a long way and positively change many lives. Furthermore, it will make our community safer for our residents and our first responders in public safety, who risk their lives every day. In tragic scenarios where officers have no choice but to use deadly force to stop dangerous individuals with severe mental health needs from harming others, it is unacceptable to write off the case as a situation that could not have been avoided.

Our County has the ability to save lives, make our community safer, and prevent these tragedies from occurring. The implementation of Laura's Law and expanded conservatorship will serve as much-needed reform to our negligent and flawed system which has failed our community's most vulnerable people.

The City of Milpitas should support County implementation of Laura's Law and work with the Board of Supervisors and County Administration to expand conservatorship programs through efforts in adding Santa Clara County to Senate Bill 1045 and related legislation.

Dear Santa Clara County Board of Supervisors,

As community leaders, we recognize that Santa Clara County has a mental health crisis. Of the homeless in our County, 42% reported mental illness, yet current efforts in the County to address this issue are tragically lacking.

Homeless individuals who lack capacity because of a severe mental illness to provide for their basic human needs cannot continue to fall victim to uninhabitable living conditions, drug and alcohol abuse, and risks of harm to themselves or [others on the streets](#). It is imperative that we consider the benefits of Laura's Law and strengthened conservatorship in Santa Clara County.

Laura's Law passed the California State Legislature in 2002, aiming to remedy the issues posed by mentally ill individuals occupying the streets: introducing court-mandated assisted outpatient treatment for those who are likely to benefit from it. To date, 20 counties in California have done just this, including the Bay Area Counties of San Mateo, Alameda, Contra Costa, Marin, and San Francisco-- achieving a high degree of success. Specifically, In San Francisco County, 91% of patients saw reduced hospitalization, with 88% reducing their time spent incarcerated and 74% reducing their use of Psychiatric Emergency Services. Not only that, but in Nevada County, where Laura's Law was first implemented, the law has saved between \$1.82 to \$2.52 per \$1.00 invested in the program. Laura's Law is saving lives, saving money, and giving people the help that they need.

Furthermore, in pursuit of the most comprehensive care for suffering residents, conservatorship for substance abusers and the mentally ill also must be re-examined. While Santa Clara County's LPS Conservatorship was an important first step starting in 1972, now is the time to revisit and strengthen this piece of legislation.

In September of 2018, the State of California passed Senate Bill 1045, which provides for the formation of a 5-year pilot program consisting of housing based conservatorship policies in San Francisco and Los Angeles Counties. SB 1045 increases the responsiveness of courts to individuals lacking capacity to take care of their health and welfare in by making available a conservatorship when those individuals are suffering from both a severe mental illness as well as a substance use disorder, something we are unable to achieve under the current standard. Individuals that fail to qualify as "gravely disabled" often get stuck in a chronic cycle of coming in and out of 72-hour psychiatric holds, and are victims of a dysfunctional system that is in desperate need of reform. We would like to see Santa Clara County advocate for inclusion in this or comparable legislation that effectively treats the most vulnerable in our County.

For all these reasons and more, we urge the County to act to strengthen conservatorship laws and to adopt Laura's Law.

Signed:



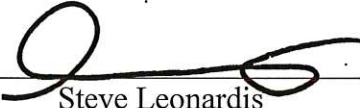
Johnny Khamis
Councilmember, City of San José



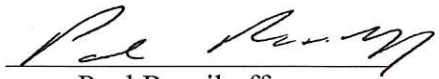
Raul Perez
Councilmember, City of San José



Lisa Dailey
Treatment Advocacy Center



Steve Leonardis
Mayor, Town of Los Gatos



Paul Resnikoff
Councilmember, City of Campbell



Katherine Decker
Registered Nurse



Stephani Rideau
Parent of Homeless Mentally Ill Adult

Memorandum

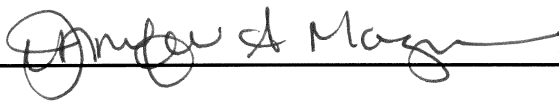
TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Lee Wilcox

**SUBJECT: COUNTY OF SANTA CLARA
BEHAVIORAL HEALTH
PROGRAMS**

DATE: January 22, 2020

Approved



Date

1-22-20

INFORMATION

At the November 20, 2019 Rules and Open Government Committee, the Administration was directed to submit a letter from the City of San José Mayor and City Council to the Santa Clara County Board of Supervisors and the County Administration requesting implementation of Laura's Law (Assisted Outpatient Treatment) as well as a strengthening of conservatorship policies for residents that struggle with serious mental illness. This item was again discussed at the December 10, 2019 City Council meeting under item 3.6¹ where a request was made for additional information regarding the Santa Clara County's expansion of Behavioral Health Services for adults and older adults, which was scheduled for implementation in fall 2019.

In response to Council direction, on December 12, 2019 a letter was submitted to the Santa Clara County Board of Supervisors on behalf of the City of San José Mayor and City Council (*Attachment A*).

Attached to this memorandum are two reports authored by Toni Tullys, Director of the County's Behavioral Health Services. The first report was submitted to the Health and Hospital Committee on August 22, 2019 providing an update on Assisted Outpatient Treatment (*Attachment B*). It summarizes the 2002 California Assembly Bill 1421 (Laura's Law) and its implementation in California through April 2017 as summarized by the State of California's Department of Health Care Services, Mental Health and Substance Use Disorder Services in its July 2018 Report. This memo also outlines the County's Behavior Health Services expansion of programs for its adult system of care.

¹ <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4263938&GUID=32623866-8137-46E7-8D24-DFCECA1C562B&Options=&Search=>

The second memorandum was submitted to the Board of Supervisors on December 17, 2019 as part of a report requested by Supervisors Chavez and Cortese (Board Referral Item Number 16 ID#98761 approved on November 5, 2019)², which directed the Behavioral Health Services Department to provide options for consideration relating to the provision of safe places and support services for members of the community with high needs, who are severely mentally ill, dually diagnosed, and unhoused (*Attachment C*).

The Administration understands the Mayor and City Council's shared interest in ensuring that adequate and high quality resources are available and accessible to residents struggling with mental illnesses, substance use, or both. As part of its work in helping draft the Community Plan to End Homelessness, the City Manager's Office and Housing Department are working with their County partners to better assess the existing capacity of behavioral health resources against the need in the community. As the City moves from the planning and community engagement phases of this process to implementation of a San José-specific operational plan, the Administration will continue to advocate for the resources necessary to close any existing resource gaps.

/s/
LEE WILCOX
Chief of Staff, City Manager's Office

For questions, please contact Sarah Zárate, Assistant to the City Manager, at (408) 535-5601.

Attachments:

- Attachment A: December 12, 2019 Letter to Board of Supervisors regarding Conservatorship in Santa Clara County
- Attachment B: County of Santa Clara Behavioral Health Services Update on Assisted Outpatient Treatment (Laura's Law)
- Attachment C: County of Santa Clara Behavioral Health Services Report on Safe Places and Support Services for Mentally Ill/Dually Diagnosed Individuals

² http://sccgov.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=SplitView&MeetingID=11147&MediaPosition=&ID=99307&CssClass=



December 12, 2019

Board of Supervisors
County of Santa Clara
70 West Hedding Street
San Jose, CA 95110

Re: Conservatorship in Santa Clara County

Dear Santa Clara County Board of Supervisors,

We write on behalf of the City of San José to encourage the County to pursue additional options in addressing mental health treatment for homeless individuals, including conservatorship. Currently the County of Santa Clara staff, Destination: Home, and City of San José staff are working to finalize a new Community Plan to End Homelessness—better aligning our goals and strategies. As we embark on implementing this plan we must collectively align our operations, resources, and policies to meet these goals.

To that end, we share the position outlined in the November 5, 2019 memo from Supervisors Chavez and Cortese that “the County of Santa Clara needs to act with urgency as it relates to providing safe places and supportive services to very vulnerable members of our community who are severely mentally ill, dually-diagnosed, unhoused and unable to proactively access community-based mental health services.”

According to the 2019 City of San José Homeless Census and Survey, 42% of homeless survey respondents reported a psychiatric or emotional condition in the City of San José. Homeless individuals who lack capacity because of a severe mental illness to provide for their basic human needs cannot continue to fall victim to uninhabitable living conditions, drug and alcohol abuse, and risks of harm to themselves or others on the streets. It is imperative that we examine conservatorship options, including implementing Laura’s Law in Santa Clara County for outpatient services and inpatient options to address a portion of this population’s needs.

As you know, the State of California passed Laura’s Law in 2002 to introduce court-mandated assisted outpatient treatment for those who are likely to benefit from it. To date, 20 counties in California have implemented Laura’s Law, including the Bay Area Counties of San Mateo, Alameda, Contra Costa, Marin, and San Francisco. In San Francisco County, 91% of patients saw reduced hospitalization, with 88% reducing their time spent incarcerated, and 74% reducing their use of Psychiatric Emergency Services. Not only that, but in Nevada County, where Laura’s Law was first implemented, the law has saved between \$1.82 to \$2.52 per \$1.00 invested in the

District 1-Chappie Jones, Vice Mayor

District 3-Raul Peralez

District 5-Magdalena Carrasco

District 7-Maya Esparza

District 9-Pam Foley

Sam Liccardo, Mayor

District 2-Sergio Jimenez

District 4-Lan Diep

District 6-Dev Davis

District 8-Sylvia Arenas

District 10-Johnny Khamis

Letter from City of San José City Council
Conservatorship in Santa Clara County
December 12, 2019

program. Laura's Law is saving lives, saving money, and giving people the help that they need.

Additionally, in September of 2018, the State of California passed Senate Bill 1045, which allows the City and County of San Francisco, Los Angeles, and San Diego Counties to pilot a 5-year program of housing-based conservatorship. SB 1045 increases the responsiveness of courts to individuals lacking capacity to take care of their health and welfare by making available a conservatorship when those individuals are suffering from both a severe mental illness as well as a substance use disorder. Individuals that fail to qualify as "gravely disabled" often get stuck in a chronic cycle of coming in and out of 72-hour psychiatric holds, and are victims of a dysfunctional system that is in desperate need of reform. We encourage Santa Clara County to advocate for inclusion in this or comparable legislation that effectively treats the most vulnerable in our County.

We are heartened that the County is examining additional service needs for homeless individuals, including those suffering mental health disease and drug addiction. We share your goals of ending homelessness in our community, and look forward to continuing to collaborate on solutions.

Sincerely,


Mayor Sam Liccardo
on behalf of the City of San José City Council

C. County Administration
City Manager



COUNTY OF SANTA CLARA
Behavioral Health Services

DATE: August 22, 2019
TO: Health and Hospital Committee
FROM: Toni Tullys, Director, Behavioral Health Services
SUBJECT: Update on Assisted Outpatient Treatment (Laura's Law)

On June 19, 2019, at the request of Supervisor Ellenberg, the Behavioral Health Services Department (the Department) was asked to provide an update on Assisted Outpatient Treatment (AOT), also known as Laura's Law, at the August 2019 Health and Hospital Committee.

On September 13, 2017, the Department provided a detailed report to the Board of Supervisors (Board) through the Health and Hospital Committee related to the possible implementation of Assisted Outpatient Treatment (also known as Laura's Law), which allows using the judicial system when constituents are in high need of mental health services (LF # 88121). The report describes the history of the AOT legislation, the 2004 development of the Mental Health Services Act (MHSA), which emphasized voluntary programs, and the AOT goals, eligibility criteria and court process.

In 2002, California Assembly Bill 1421 (Laura's Law) authorized the provision of AOT which is defined as categories of outpatient services that have been ordered by a court per California Welfare and Institution Code (WIC) 5346. The bill was a result of a Nevada County shooting death of three people, including Laura Wilcox, by an individual with mental illness who was not participating in treatment. While the law was passed, it was not funded, leaving County Boards of Supervisors to decide whether or not they would implement AOT and how they would fund the program. Each County Board of Supervisors must approve AOT implementation in their county. Per state statute, no voluntary mental health programs may be reduced as a result of the implementation of AOT.

Update on California's AOT Implementation

While Nevada County implemented AOT in 2008 and Yolo County in 2013, the majority of counties who chose to implement AOT did not begin implementation until 2015-2016. As reported in the Department's September 2017 AOT report, 14

counties had implemented the program, three had adopted AOT, but had not implemented, and one county was considering AOT. Currently, 20 counties have implemented AOT as an available tool for people with serious mental illness who are unable and/or unwilling to participate in treatment and meet the criteria for AOT in the WIC 5346. The 20 counties are:

- | | | |
|-----------------|---------------------|-------------------|
| 1. Alameda | 8. Nevada | 15. Santa Barbara |
| 2. Contra Costa | 9. Orange | 16. Shasta |
| 3. El Dorado | 10. Placer | 17. Solano County |
| 4. Kern | 11. San Diego | 18. Stanislaus |
| 5. Los Angeles | 12. San Francisco | 19. Ventura |
| 6. Marin | 13. San Luis Obispo | 20. Yolo |
| 7. Mendocino | 14. San Mateo | |

AOT Evaluations and Results

In July 2018, the California Department of Health Care Services (DHCS) Mental Health and Substance Use Disorder Services released a report on Laura's Law: Assisted Outpatient Treatment Demonstration Project Act of 2002 (Attached). DHCS is required to establish criteria and collect outcomes data from counties that choose to implement the AOT program and to produce an annual report on the program's effectiveness, which is due to the Governor and Legislature annually by May 1. The attached report is based on May 2016 - April 2017 data, which was provided by six counties: Contra Costa, Los Angeles, Nevada, Orange, Placer and San Francisco. The Report Summary stated that there are three important developments for this reporting period:

- 1) Two additional counties provided data on AOT clients as compared to the previous reporting period,
- 2) The six counties that provided data to DHCS reported a positive impact on the three data items emphasized by the statute governing AOT (WIC Sections 5345-5349.5) – homelessness, hospitalizations, and incarcerations, and
- 3) Counties continue to report that few individuals require court involvement to participate in AOT services.

There were 63 court-ordered involved individuals in the six counties that provided data. A total of 380 individuals were served voluntarily by the six counties reporting data and the majority were in Los Angeles and Orange counties.

The programs reported that the majority of their AOT referrals responded to the initial invitation to participate in voluntary services and did not require a court petition or process. Counties reported that this is due to a successful engagement process, as most individuals referred for assessment accept the first offer for voluntary services. Many individuals due to their symptoms, do not immediately access mental health services, but may accept a voluntary service in response to county engagement efforts and to avoid a court process.

DHCS also identified several limitations of this analysis. While the data has increased since additional counties have implemented AOT programs, the number of court-ordered participants remains small and counties were not using standardized measures. There was no comparison and/or control group, so it was unknown as to whether the improvements were a result of AOT program services, or other factors. The report was based on aggregated outcomes of the 63 individuals from the six counties that reported court-ordered services.

In conclusion, the DHCS report indicated that the program was successful in reducing the need for hospitalizations and/or incarcerations, largely due to an increased amount of support and increasing employment during the reporting period.

Contra Costa and San Francisco Counties recently completed extensive evaluations of their AOT pilot programs. Contra Costa completed their evaluation in October 2018, following two and a half (2 ½) years of implementation, and served 80 individuals in the Assertive Community Treatment (ACT) program; 63 volunteered and 17 were court-ordered. San Francisco completed their three-year evaluation in March 2019 and 89 out of 129 individuals in the AOT program voluntarily engaged in services; 85 individuals remained connected to a treatment provider at the time of the evaluation. The AOT team provided clinical case management to 43 of these individuals (26 voluntary and 17 court ordered). Both counties reported positive client outcomes (decrease in crisis services, inpatient psychiatric hospitalization and incarceration), cost savings, and small numbers of court-ordered individuals.

Summary of Findings

A significant majority of individuals that have been referred and meet the criteria for AOT programs voluntarily accept services and achieve positive outcomes, including reductions in crisis/emergency psychiatric services, inpatient psychiatric hospitalization, homelessness and incarceration. There are small numbers of court-ordered clients in AOT programs, which cannot show statistical significance.

However, court-ordered clients have demonstrated individual progress and some have achieved the same types of positive outcomes as the voluntary clients.

Counties have developed and learned from AOT pilots, implemented AOT outreach, engagement and clinical teams to serve the population, and utilized Full Service Partnerships (FSPs) or ACT teams for clinical services. Consistent outreach and peer support have been important components to engage and support individuals in AOT services.

AOT program costs may vary based on each county, but the primary costs are for direct service staff, which often includes a program manager, clinical staff, peer workers and administrative support. Orange County and Nevada County estimated the AOT mental health treatment costs at \$35,000 to \$40,000 per person per year. This aligns with the estimated cost for the Department's new ACT program for adults with serious mental illness that need intensive outpatient services.

In reviewing the evaluations and discussing AOT services with county and consultant colleagues, AOT can be a useful tool to identify, engage and treat a small group of people with serious mental illness who would otherwise be unable to participate in services that they need. However, the data on court-ordered individuals enrolled is limited, and while AOT has produced positive outcomes, it will not engage every person with serious mental illness into services or every loved one that a family member cares about.

Expansion of Behavioral Health Services for Adults and Older Adults

Over the past year, the Department has implemented several new programs to address gaps, expand the continuum of care, outreach and engage individuals for services, and track and evaluate client/consumer outcomes. The intent of the new programs is to connect Adults/Older Adults into the appropriate services for their needs.

New programs include the County-operated In-home Outreach Team (IHOT), which will outreach to Emergency Psychiatric Services (EPS) clients/consumers and connect them to services, and the IHOT community-based teams that will serve clients/consumers and families across the county. For individuals in crisis, there is a Crisis Text Line (text RENEW to 74141) and Adult Mobile Crisis Response Teams that assess individual needs over the phone, identify and connect callers to services, and make home visits when needed. These new services are available 24/7.

Vendors have been selected to provide ACT and Forensic ACT (FACT) services, which are evidence-based and the highest level of outpatient services for individuals with serious mental illness. While these are new services in Santa Clara County, ACT and FACT have demonstrated positive and consistent consumer outcomes for many years and are designed for individuals coming out of hospitals or custody and/or those who need intensive and frequent services. In addition, new Intensive

Full Service Partnerships (FSPs) will provide “whatever it takes” mental health services for Transitional Age Youth, Adults and Older Adults. The ACT, FACT and Intensive FSPs will provide 800 new service slots for adult consumers. Substance Use Treatment Services has increased outpatient services by 220 slots and anticipates serving an additional 800 clients in the next year. Detoxification beds also have been increased from 28 to 36 with an expectation to serve over 500 clients.

The Department’s expansion of Adult/Older Adult services was designed to outreach, engage, connect, and support individuals with serious mental illness and substance use disorders in voluntary, evidence-based services. The new ACT/FACT programs and Intensive FSPs are the same services utilized in the AOT programs.

Implementation is planned for October 2019 and the Department expects an increase in the number of people receiving these intensive services and a decrease in EPS visits, psychiatric hospitalization, incarceration and homelessness over time.

Attachment:

- DHCS Laura’s Law: Assisted Outpatient Treatment Demonstration Project Act of 2002, July 2018



Laura's Law: Assisted Outpatient Treatment Demonstration Project Act of 2002

**For the Reporting Period
May 2016 – April 2017**

**Department of Health Care Services
Mental Health and Substance Use Disorder Services**

JULY 2018

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EXECUTIVE SUMMARY

Assembly Bill (AB) 1421 (Thomson, Chapter 1017, Statutes of 2002) established the Assisted Outpatient Treatment Demonstration Project Act of 2002 in Welfare and Institutions Code (WIC) Sections 5345 – 5349.5, known as Laura’s Law (named after one of the individuals killed during a 2001 incident in Nevada County, California). Laura’s Law requires the Department of Health Care Services (DHCS) to establish criteria and collect outcomes data from counties that choose to implement the AOT program and produce an annual report on the program’s effectiveness, which is due to the Governor and Legislature annually by May 1. Using data provided by participating counties, DHCS is required to provide an evaluation of the effectiveness of the county programs in developing strategies to reduce the clients’ risk for homelessness, hospitalizations, and involvement with local law enforcement. This report serves as the May 1, 2017 annual report and provides outcomes for the May 2016 – April 2017 reporting period.

The table below shows a list of counties that have received Board of Supervisors approval to operate an AOT program, counties that submitted an AOT report to DHCS and, of those, which county AOT reports provided data to DHCS during this reporting period. Seventeen counties have Board of Supervisors approval to operate an AOT program: Alameda, Contra Costa, El Dorado, Kern, Los Angeles, Mendocino, Nevada, Orange, Placer, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Stanislaus, Ventura, and Yolo¹. During this reporting period, 12 counties submitted reports to DHCS: Alameda, Contra Costa, Kern, Los Angeles, Mendocino, Nevada, Orange, Placer, San Francisco, San Mateo, Ventura, and Yolo. Six of these counties had data to report on AOT court ordered or settled² individuals: Contra Costa, Los Angeles, Nevada, Orange, Placer and San Francisco. The remaining six programs did not have court-ordered individuals or had too little data for the reporting year to report to DHCS, but provided information on their programs’ progress. Accordingly, this report reflects aggregate outcomes for 63 individuals from the six counties that reported court-ordered or settled AOT client data to DHCS. This is more than double the number of participants compared to the previous 2015-16 reporting period, which included 28 court-involved individuals in AOT programs.

Participating County Implementation and Reporting Status (as of April 2017)*

| County | Board of Supervisors Approval | Submitted a Report to DHCS | Report Included AOT Data |
|--------------|-------------------------------|----------------------------|--------------------------|
| Alameda | X | X | |
| Contra Costa | X | X | X |
| El Dorado | X | | |
| Kern | X | X | |

¹ Stanislaus County received board of supervisor approval to implement a pilot program in April 2018. Since this occurred after the reporting period, data for Stanislaus is not reflected in this report.

² Court “settled” means that the individual receives services through a court settlement, rather than a hearing.

| County | Board of Supervisors Approval | Submitted a Report to DHCS | Report Included AOT Data |
|-----------------|-------------------------------|----------------------------|--------------------------|
| Los Angeles | X | X | X |
| Mendocino | X | X | |
| Nevada | X | X | X |
| Orange | X | X | X |
| Placer | X | X | X |
| San Diego | X | | |
| San Francisco | X | X | X |
| San Luis Obispo | X | | |
| San Mateo | X | X | |
| Santa Barbara | X | | |
| Stanislaus | X | | |
| Ventura | X | X | |
| Yolo | X | X | |

*Stanislaus County received board of supervisor approval to implement a pilot program in April 2018. Since this occurred after the reporting period, data for Stanislaus is not reflected in this report.

2016-17 Report Summary

There are three important developments for this reporting period: 1) two additional counties provided data on AOT clients as compared to the previous reporting period, 2) the six counties that provided data to DHCS reported a positive impact on the three data items emphasized by the statute governing AOT (WIC Sections 5345-5349.5) – homelessness, hospitalizations, and incarcerations, and 3) counties continue to report that few individuals require court involvement to participate in AOT services. In this reporting period, there were 63 court-involved individuals in the six counties that provided data³.

Laws governing AOT programs require individuals whose cases are court-ordered or settled to receive services in a program that also provides the same services to individuals who are participating in the program voluntarily. Individuals referred for an AOT assessment must be offered voluntary services first before a court petition is considered. The programs reported that the majority of their AOT referrals responded to the initial invitation to participate in voluntary services, and did not require a court petition or process. Counties report that this is due to a successful initial engagement process, as most individuals referred for assessment accept the first offer for voluntary services. Many individuals, due to the symptoms of their mental illness, do not initially access local mental health services, but may accept a voluntary services offer

³ 380 individuals were served voluntarily by the six counties reporting data, the majority were in Los Angeles and Orange counties.

in response to county engagement efforts and to avoid a court process.

Due to the small number of court-ordered or settled individuals in each county AOT program, health privacy laws prevent DHCS from reporting specific numbers on each of the required outcomes. This report reflects the following aggregate findings for the AOT program clients, using data for the six counties that reported data from their AOT services, which were provided during this reporting period:

- Homelessness decreased amongst individuals participating in the program.
- Hospitalization decreased amongst individuals participating in the program.
- Contact with law enforcement decreased amongst individuals participating in the program.
- Most individuals remained fully engaged with services.
- Some individuals were able to secure employment.
- Little victimization⁴ was reported for individuals in the program.
- Violent behavior decreased during the reporting period for some individuals.
- Some clients had co-occurring diagnoses. Many of those individuals were able to reduce substance use.
- Some clients were subject to enforcement mechanisms⁵ ordered by the court during AOT. Some of these individuals were involuntarily evaluated, many had additional status hearings, and many received medication outreach.
- Many individuals achieved moderate to moderately high levels of social functioning.
- Some clients agreed to participate in satisfaction surveys and indicated high levels of satisfaction with services.

There are several noteworthy limitations of DHCS' analysis. Although the reportable data has increased since additional counties have implemented AOT programs, court-ordered participant numbers remain small and counties are not using standardized measures. This makes it difficult to make a comparable evaluation across counties, and further, there is no comparison and/or control group, so it is unknown as to whether or not all of the improvements in participant outcomes were a result of AOT program services or if other factors were involved. Some of the measures are based on self-reports and/or recollections of past events, which may or may not be accurate or reliable. Furthermore, individuals were followed for different periods of time (e.g., individual A may have been followed for one week, while individual B may have been followed for the entire reporting year). As with other programs that have transitory populations in different phases of program completion, there may be carry over data from the prior reporting year. Despite these limitations, the data submitted by counties indicate improvements to many of the reported outcomes for individuals who were served during this reporting period.

⁴ Victimization is based on county definitions and reports of victimization include descriptions of the incidents.

⁵ Examples of enforcement mechanisms used by courts include, but are not limited to, involuntary evaluation, increased number of status hearings, and medication outreach.

INTRODUCTION

AB 1421 (Thomson, Chapter 1017, Statutes of 2002) established the Assisted Outpatient Treatment (AOT) Demonstration Project Act of 2002, known as Laura's Law. AB 1569 (Allen, Chapter 441, Statutes of 2012) extended the sunset date for the AOT statute from January 1, 2013, to January 1, 2017; and AB 59 (Waldron, Chapter 251, Statutes of 2016) extended the sunset date for the AOT statute until January 1, 2022, and added the Governor as a direct recipient of this report. The program was transferred from the former Department of Mental Health (DMH) to the Department of Health Care Services (DHCS) and incorporated into DHCS' county mental health performance contracts with the enactment of SB 1009 (Committee on Budget and Fiscal Review, Chapter 34, Statutes of 2012).

DHCS is required to annually report to the Governor and Legislature on the effectiveness of AOT programs by May 1 of every year. Pursuant to WIC Section 5348, effectiveness of AOT programs is evaluated by determining whether persons served by these programs:

- Maintain housing and participation/contact with treatment;
- Have reduced or avoided hospitalizations; and
- Have reduced involvement with local law enforcement, and the extent to which incarceration was reduced or avoided.

To the extent data are provided by participating counties, DHCS must also report on:

- Contact and engagement with treatment;
- Participation in employment and/or education services;
- Victimization;
- Incidents of violent behavior;
- Substance use;
- Required enforcement mechanisms;
- Improved level of social functioning;
- Improved independent living skills; and
- Satisfaction with program services.

The AOT statute provides a process for designated individuals who may refer someone to the county mental health department for an AOT petition investigation. In order for an individual to be referred to the court process, the statute requires certain criteria to be met, voluntary services to be offered, and options for a court settlement rather than a hearing to be provided.

BACKGROUND

The statutory requirements for Laura's Law do not require counties to provide AOT programs and do not appropriate any additional funding to counties for this purpose. For many years, only Nevada County operated an AOT program. The passage of SB 585 (Steinberg, Chapter 288, Statutes of 2013) authorized counties to utilize specified funds for Laura's Law services, as described in WIC Sections 5347 and 5348. Since the enactment of this legislation, an increasing number of counties have implemented AOT. See Appendix A for a history of AOT in California.

Implementation of Laura's Law

The table below shows a list of counties who have received Board of Supervisors approval to operate an AOT program, counties that submitted an AOT report to DHCS and, of those, which county AOT reports provided data to DHCS during this reporting period. Seventeen counties have Board of Supervisors approval to operate an AOT program: Alameda, Contra Costa, El Dorado, Kern, Los Angeles, Mendocino, Nevada, Orange, Placer, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Stanislaus, Ventura, and Yolo.⁶ Most AOT programs are still in early implementation stages and have few or no clients who are court-ordered or settled.

The following 12 counties submitted reports to DHCS on their AOT programs for the reporting period: Alameda, Contra Costa, Kern, Los Angeles, Mendocino, Nevada, Orange, Placer, San Francisco, San Mateo, Ventura, and Yolo. Of these, Contra Costa, Los Angeles, Nevada, Orange, Placer, and San Francisco counties had data to report based on the individuals participating in their AOT programs that were court-ordered and/or settled. Kern and Yolo Counties reported on their programs, but did not yet have any individuals in AOT programs or did not have enough data to include. Alameda, Mendocino, San Mateo, and Ventura Counties reported on their new programs, but did not have clients during most of the reporting period, and therefore did not have enough data to include.

Participating County Implementation and Reporting Status (as of April 2017)*

| County | Board of Supervisor Approval | Submitted a Report to DHCS | Report Included AOT Data |
|--------------|------------------------------|----------------------------|--------------------------|
| Alameda | X | X | |
| Contra Costa | X | X | X |
| El Dorado | X | | |
| Kern | X | X | |
| Los Angeles | X | X | X |
| Mendocino | X | X | |
| Nevada | X | X | X |
| Orange | X | X | X |

⁶ Stanislaus County received board of supervisor approval to implement a pilot program in April 2018. Since this occurred after the reporting period, data for Stanislaus is not reflected in this report.

| County | Board of Supervisor Approval | Submitted a Report to DHCS | Report Included AOT Data |
|-----------------|------------------------------|----------------------------|--------------------------|
| Placer | X | X | X |
| San Diego | X | | |
| San Francisco | X | X | X |
| San Luis Obispo | X | | |
| San Mateo | X | X | |
| Santa Barbara | X | | |
| Stanislaus | X | | |
| Ventura | X | X | |
| Yolo | X | X | |

* Stanislaus County received board of supervisor approval to implement a pilot program in April 2018. Since this occurred after the reporting period, data for Stanislaus is not reflected in this report.

DATA COLLECTION AND REPORTING METHODOLOGY

Most counties have implemented their AOT programs as part of their Mental Health Services Act (MHSA) Full Services Partnership (FSP) programs. Welfare and Institutions Code §5348(d) sets forth the reporting requirements for both the counties and the State and lists the required data elements that, if available, must be included. As a result, counties obtain data for AOT clients from some or all of the following sources:

- Client intake information
- MHSA FSP Outcome Evaluation forms
 - Partnership Assessment Form – The FSP baseline intake assessment.
 - Key Event Tracking (KET) – Tracks changes in key life domains such as employment, education, and living situation.
 - Quarterly Assessment – Tracks the overall status of a partner every three months. The Quarterly Assessment captures data in different domains than the KETs, such as financial support, health status, and substance use.
- “Milestones of Recovery Scale” (MORS) ⁷
- Global Assessment of Functioning – Indicates the level of presence of psychiatric symptoms.

⁷This scale was developed from funding by a Substance Abuse and Mental Health Services Administration grant and designed by the California Association of Social Rehabilitation Agencies and Mental Health America Los Angeles researchers Dave Pilon, Ph.D., and Mark Ragins, M.D., to more closely align evaluations of client progress with the recovery model. Data collected from the MORS is used with other instruments in the assessment of individuals functioning level in the Social Functioning and Independent Living Skills sections. Engagement was determined using a combination of MORS score improvement, contact with treatment team tolerance and social activity.

- Mental Health Statistics Improvement Program Consumer Surveys – Measure matters that are important to consumers of publicly funded mental health services in the areas of access, quality, appropriateness, outcomes, overall satisfaction, and participation in treatment planning

Counties collected and compiled the required information into written reports, which were submitted to DHCS. Due to the small population sizes reported, AOT clients may be identifiable. DHCS is committed to complying with federal and state laws pertaining to health information privacy and security.⁸ In order to protect clients' health information and privacy rights, summary numbers for each of the specified outcomes cannot be publicly reported. In order for DHCS to satisfy its AOT program evaluation reporting requirement, as well as protect individuals' health information, DHCS adopted standards and procedures to appropriately and accurately aggregate data, as necessary.

⁸ Federal laws: Privacy Rule and the Security Rule contained in the Health Insurance Portability and Accountability Act and clarified in Title 45 Code of Federal Regulations Part 160 and Subparts A and E of 164. State Laws: Information Practices Act and California Civil Code Section 1798.3, et. seq.

FINDINGS FOR REPORTING PERIOD May 1, 2016 – April 30, 2017

Based on county-reported data, there are very few individuals entering the AOT programs as a result of court orders or settlements. Individuals referred for an AOT assessment must be offered voluntary services before a court petition is considered. The programs reported that the majority of their AOT referrals responded to the initial invitation to voluntary services and did not require a court petition or process. Counties report that this is due to a successful initial engagement process, as most individuals referred for assessment accept the first offer for voluntary services.

Although 16 counties have implemented AOT programs, the data summarized in this report reflect the six counties that had data for court-ordered or settled individuals. Data for these counties are aggregated, with highlights of each program listed first. The six counties' AOT programs collectively served a total of 63 court involved individuals. This is more than double the number of participants as compared to the last reporting period, in which 28 individuals were in AOT programs.

Part I: County Programs Serving AOT Court-Involved Individuals – Contra Costa, Los Angeles, Nevada, Orange, Placer, and San Francisco

County Program Unique Highlights

Contra Costa County reported that, during its first year of operation, 91 percent of individuals referred for assessment for AOT services accepted voluntary services.

Los Angeles County reported serving voluntary clients since 2010 in a pilot AOT program. The county then fully implemented and expanded its AOT program in 2015. This is the first reporting year that Los Angeles has had court-ordered or settled AOT participants. As with the other counties, the Los Angeles court-ordered or settled participants are a fraction of its overall number of AOT participants.

Nevada County has had the longest running AOT program, dating back to 2008. Consistently over that time, the majority of the referred individuals accepted the program's invitation to participate in voluntary services rather than requiring a court-order or settlement.

Orange County noted that, while there was overall improvement in housing over the reporting period, participants still experienced challenges finding and maintaining housing.

Placer County continues to be in the early stages of providing AOT services to individuals and has a small number of participants.

San Francisco County has developed an [AOT Care Team](#), which is responsible for AOT court petitions and advocating for AOT individuals with preexisting charges to be referred to collaborative courts such as Behavioral Health Court. Behavioral Health Court is focused on family support including offering resources such as a Family Liaison, information, and assistance navigating the mental health and criminal justice systems. San Francisco County continues to host a quarterly conference call with other counties that have implemented AOT to share information and experiences of AOT programs.

Demographic Information

Counties reported that the majority of participating individuals were Caucasian males between ages 26 and 59. This is similar to the information from the last reporting period, which indicated the majority of individuals in the programs were males identifying as Caucasian between 26 and 59 years of age. Some counties reported seeing more racial diversity in their AOT populations, and more female participants.

Homelessness/Housing

In the previous reporting period, homelessness among those served decreased. For this reporting period, counties reported modest reductions in homelessness, with the majority of clients obtaining and maintaining housing while in the AOT program.

Hospitalization

In the last reporting period, many of the individuals who were hospitalized prior to receiving AOT services experienced decreases in their hospitalization days. This reporting period, most programs reported that the majority of clients with psychiatric hospitalizations prior to AOT either reduced their days of hospitalization during AOT or entirely eliminated hospitalizations.

Law Enforcement Contacts

In the last reporting period, programs reported law enforcement contacts (measured as “days of incarceration”) were reduced for all individuals that had experienced incarceration days prior to AOT. For this reporting period, this trend continues as all programs reported reductions in law enforcement contact for participants in AOT programs.

Treatment Participation / Engagement

For the previous reporting period, participants’ ability to engage and participate in treatment varied significantly. Counties indicated that programs focused on assisting individuals with critical symptoms who were reluctant to approach treatment, and most participants were able to achieve at least moderate levels of engagement. For this reporting period, the majority of the participants again were able to engage in treatment and remain in contact with their programs. This continues to result in positive outcomes for reducing hospitalizations, incarcerations, and homelessness.

Employment

In the prior reporting period, few clients were employed while in the program. Generally, clients were either not far enough along in treatment to gain employment or the AOT program had not yet implemented employment services as a component. For this reporting period, there was an increased level of employment for individuals across programs, including some participation in education.

Victimization

For the previous reporting period, there were few reported instances of victimization for participants prior to AOT program participation, and none reported for individuals during their AOT program participation. For this reporting period, there were again few reports of victimization, with some programs reporting that individuals were reluctant to share such information via the questionnaires that were used. These programs indicate that they will modify their questionnaires and/or programs to provide more comfortable means for individuals to share such sensitive information.

Violent Behavior

In the prior reporting period, counties reported an overall decrease in violent behavior. In the current reporting period, some programs reported violent episodes for individuals who were struggling with initial phases of stability, and other programs reported that the AOT program participants displayed decreased violent behavior or that they did not collect data on this outcome measure.

Substance Abuse

During the last 2015-16 reporting period, one AOT program reported a decrease in substance use for the majority of its clients; however, most AOT programs could not report on the AOT program's impact on substance use due to lack of information provided by the participants.

For the 2016-17 reporting period, all programs reported varying levels of challenges with participant substance use. The majority of individuals in AOT have co-occurring diagnoses, meaning that they have both mental health and substance use disorder diagnoses. This presents a complication for programs to support individuals in recovery from both issues. In some cases, the majority of individuals in the programs relapsed during AOT, while other programs reported the majority were able to avoid substance use.

Enforcement Mechanisms

For the last reporting period, medication outreach (e.g., visiting clients to discuss medication, helping prepare medication boxes) was the enforcement mechanism used most often to support individuals who experienced challenges in managing and regularly administering their own medications. Some programs used status hearings as a vehicle to help individuals re-focus on their treatment goals and self-care when they were

missing appointments and their mental health was beginning to decompensate.

For this reporting period, the most common enforcement mechanisms used were additional status hearings, with a small group of individuals receiving orders for hospitalization for the purpose of psychiatric evaluation. Some programs provided medication outreach as a regular support for their participants.

Social Functioning

For the prior reporting period, all AOT programs provided DHCS with anecdotal information on clients' increased social functioning, generally credited to the staff's ability to develop good rapport with the clients.

For this reporting period, overall, AOT programs reported increased social functioning and considered the participants' ability to interact with staff and tolerate therapeutic interactions a significant outcome in this area.

Independent Living Skills

For the last reporting period, most programs communicated to DHCS that the participants needed guidance with a wide array of independent living skills, such as medication management, money management, housing maintenance, and activities of daily living (e.g., dental hygiene), especially those who were generally homeless or frequently hospitalized prior to the court order.

During this period, programs reported that the majority of individuals improved in their independent living skills, as indicated by improved scores on the Milestone of Recovery Scale, and demonstrated strengthened skills in stress management, improved hygiene, food preparation, and transportation.

Satisfaction with Services

For the last reporting period, most AOT programs leveraged the annual Mental Health Statistics Improvement Program to report satisfaction with services. Because satisfaction surveys are voluntary, some clients refused to complete them. AOT Programs that surveyed clients and families found that the majority responded positively about the program and services.

For this reporting period, the majority of surveyed individuals were also satisfied with their services. Some programs have or are developing their own survey tool to capture individual responses that are unique to AOT programs rather than utilizing a pre-established survey, which include services beyond AOT.

Part II: Programs with No AOT Court Ordered Individuals –

El Dorado, Kern, Mendocino, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Ventura, and Yolo Counties

County Program Unique Highlights

El Dorado County is implementing AOT by conducting a pilot program and currently has voluntary clients.

Kern County began services in Fall 2015 and continues to have only voluntary clients during both the current and previous reporting periods.

Mendocino County has implemented a four-slot pilot program for AOT and had no court-ordered or settled participants.

San Diego County just completed the first year of their new program with no court-ordered or settled participants.

San Luis Obispo County is still in the early stages of implementing their new program.

San Mateo County assembled a team consisting of a Clinical Services Manager, one half-time Psychologist, one Psychiatric Social Worker, one half-time Deputy Public Guardian and two half-time Peer Support Workers that travel throughout the county to evaluate individuals and provide referrals to services if needed. San Mateo County includes a Peer Support Worker to enhance engagement and support for individuals encountering the AOT program.

Santa Barbara County did not have a full year of the new program for this reporting period and did not have any court-ordered or settled participants.

Ventura County recently began receiving individuals, but did not have any during the reporting period.

Yolo County has a five slot AOT program, which was implemented three years ago. To date, it has only voluntary individuals have utilized the program.

Summary of Programs

The numbers of individuals participating in AOT services statewide has increased since more counties have implemented AOT programs. Programs report that ongoing efforts to develop robust engagement and support strategies have led to more engaged participation in AOT programs and voluntary participation in AOT services. With continued success in this area, programs are likely to maintain low numbers of individuals that require court involvement.

LIMITATIONS

There are several noteworthy limitations of DHCS' analysis. Although participating counties have provided additional data, court ordered client numbers remain small. The small population size makes it difficult to determine if the data allows for statistically significant conclusions. Additionally, counties are not using standardized measures, which makes it difficult to make comparisons across counties. Further, there is no comparison and/or control group, so it is unknown as to whether or not the improvements were a result of AOT program services, or other factors. Some of the measures are based on self-reports and/or recollections of past events, which may or may not be accurate or reliable. Furthermore, individuals were followed for different periods of time (e.g., individual A may have been followed for one week, while individual B was followed for the entire reporting period). As with other programs that have transitory populations in different phases of program completion, there may be carry over data from the prior reporting period.

Despite these limitations, DHCS' analysis suggests improved outcomes for AOT program participants served during the reporting period. Notably, the majority of individuals referred for an assessment opt to engage in voluntary AOT program services after being offered those services as part of the assessment process.

DISCUSSION

The data provided by counties suggest that individuals have benefited from participation in AOT programs, as evidenced by reductions in hospitalizations, homelessness, contact with law enforcement, and substance use. With respect to individuals that have both substance use and mental health issues, it is important to understand that concurrently recovering from both represents enormous challenges and requires a great deal of support and counseling. Some counties found that there were challenges with participants relapsing and at times relapses lead to further psychiatric hospitalizations.

Prior to participating in an AOT program, many individuals' experience with mental health treatment mainly involved locked facilities or hospitalization. Therefore, many clients had to adjust to forming relationships with supportive community mental health workers and to receiving intensive services outside of a locked setting. The success of this adjustment was indicated by the engagement by most individuals in AOT programs overall, whether voluntary or involuntary, and by the majority of individuals who completed a satisfaction survey indicating that they were satisfied with the services and supports.

Counties continue to report that only a small fraction of their overall AOT program populations (voluntary plus involuntary individuals) require a court order or settlement to participate. This suggests that counties are maintaining a strong effort to engage individuals in voluntary services and avoiding the court petition process.

CONCLUSION

Seventeen counties currently have Board of Supervisors approval to operate an AOT program. During this reporting period, 12 counties submitted reports to DHCS, six of which had data to report on AOT court-ordered or settled individuals. The other reporting AOT programs did not have court-ordered or settled client data to report to DHCS, but provided information on their programs' progress. This report includes aggregate outcomes from 63 individuals from the six counties that reported court-ordered or settled AOT client data to DHCS.

The data indicates that the program was successful in reducing the need for hospitalizations and/or incarcerations, largely due to an increased amount of support, and increasing employment during this reporting period. DHCS recommends continuing to monitor the progress and effectiveness of the services in the programs as counties develop and expand their programs, and ensuring that any other counties that choose to implement Laura's Law report data to DHCS, as required.

Appendix A

History of Involuntary Treatment and the Development of Laura's Law in California

Among significant reforms in mental health care, the Lanterman-Petris-Short (LPS) Act (Chapter 1667, Statutes of 1967) created specific criteria by which an individual could be committed involuntarily to an inpatient locked facility for a mental health assessment to eliminate arbitrary hospitalizations. To meet LPS criteria, individuals must be a danger to themselves or others, or gravely disabled due to a mental illness (unable to care for daily needs). Following LPS, several state hospitals closed in 1973 to reduce the numbers of individuals housed in hospitals, and the intent at the time was to have communities provide mental health treatment and support to these discharged patients. However, due to limited funding, counties were unable to secure the resources necessary to provide adequate treatment or services. As a result, many of the individuals released from the hospitals ended up homeless or imprisoned with very little or no mental health treatment.⁹

In 1999, the state of New York (NY) passed a law that authorized court-ordered AOT for individuals with mental illness and a history of hospitalizations or violence requiring that they participate in community-based services appropriate to their needs. The law was named Kendra's Law in memory of a woman who died after being pushed in front of a New York City subway train by a man with a history of mental illness and hospitalizations. Kendra's Law defines the target population to be served by the AOT programs as "...mentally ill people who are capable of living in the community without the help of family, friends and mental health professionals, but who, without routine care and treatment, may relapse and become violent or suicidal, or require hospitalization." The program is required in all counties in NY and the individuals served by court order have priority for services. Kendra's Law improved a range of important outcomes for its recipients,¹⁰ but differs from California's Laura's Law in two significant ways. It requires that all counties in NY implement AOT programs, and requires that the clients accessing these programs have priority for services.

Patterned after Kendra's Law, California passed AB 1421 (Thomson, Chapter 1017, Statutes of 2002), known as Laura's Law, that provides for court-ordered community

⁹ For additional historical information, see Laura's Law legislative report 2011 at:

<http://www.dhcs.ca.gov/services/MH/Documents/4LaurasLawFinalReport.pdf>

¹⁰ See Kendra's Law, Final Report on the Status of Assisted Outpatient Treatment Outcomes for Recipients during the First Six Months of AOT [Office of Mental Health, State of New York 2005, http://www.omh.ny.gov/omhweb/kendra_web/finalreport/outcomes.htm] and the New York State Assisted Outpatient Treatment Program Evaluation [Swartz, MS et al. Duke University School of Medicine, Durham, NC, June, 2009, http://www.macarthur.virginia.edu/aot_finalreport.pdf].

treatment for individuals with a history of hospitalization and contact with law enforcement. It is named after a woman who was one of three killed in Nevada County by an individual with mental illness who was not following his prescribed mental health treatment. The legislation established an option for counties to utilize courts, probation, and mental health systems to address the needs of individuals who are unable to participate on their own in community mental health treatment programs without supervision. Laura's Law authorizes counties to implement an AOT program and specifies that funding for established community services may not be reduced to accommodate the program. Laura's Law has resulted in reductions in homelessness, incarceration, and hospitalization for these individuals.

**County of Santa Clara
Santa Clara Valley Health & Hospital System
Mental Health Services**



99307

DATE: December 17, 2019

TO: Board of Supervisors

FROM: Toni Tullys, Director, Behavioral Health Services

SUBJECT: Report on Safe Places and Support Services for Mentally Ill/Dually Diagnosed Individuals

RECOMMENDED ACTION

Under advisement from November 5, 2019 (Item No. 16): Receive report relating to safe places and support services for individuals who are mentally ill and dually diagnosed. (Behavioral Health Services Department)

FISCAL IMPLICATIONS

This is an informational report; therefore, there is no net fiscal impact as a result of this action.

CONTRACT HISTORY

Not applicable.

REASONS FOR RECOMMENDATION

At the request of Supervisor Chavez and Supervisor Cortese, Board Referral Item Number 16 (ID# 98761) approved on November 5, 2019, directs the Behavioral Health Services Department (Department) to provide a report on December 17, 2019 with options for consideration relating to the provision of safe places and support services for members of the community with high needs, who are severely mentally ill (SMI), dually diagnosed, and unhoused.

The following report addresses the options available to enhance engagement and provide support to provide for this population's safety and wellbeing. In addition, these options would help ensure that traditionally hard to engage members of the community would be able to gain access to and sustain participation in services that are safe and available day and night.

To better evaluate the potential options for enhancing engagement with services, included below is an overview of the support services the County currently provides for high needs, SMI, dual diagnosed, and unhoused people.

This Fall, in an effort to increase the services available for this population, the Department stood up the Assertive Community Treatment (ACT) Program, Forensic Assertive Community Treatment (FACT) Program and the In-Home Outreach Team (IHOT). Additionally, the Department has selected vendors to provide Intensive Full-Service Partnerships (IFSPs), which are based on the ACT model. These services will provide 800 new service slots for adult/older adult consumers. Substance Use Treatment Services (SUTS) has increased outpatient services by 220 slots and anticipates serving an additional 800 clients in the next year. Community-based detoxification beds also have been increased from 28 to 36 with an expectation of serving over 500 clients.

To ensure that clients/consumers and family members could provide their suggestions on the new and expanded services, the Department held a Peer and Family Support Services Discussion Group Meeting on December 5, 2019. Clients/consumers, peer workers, family members and National Alliance on Mental Illness (NAMI) staff met with Department leaders and senior managers to share their ideas for the service delivery system.

Intensive Services Launched Fall 2019

The ACT program is a long-standing evidence-based practice that has been widely used across the country for individuals with intensive mental health needs. With fidelity to the ACT model, outcomes are positive for high need clients. The ACT program will provide a comprehensive approach to serve 200 severely mentally ill individuals and will assist the homeless, severely mentally ill and individuals with both mental illness and substance use disorders by using a multi-disciplinary team approach to care. The treatment will include a psychiatrist, nurse, case managers, and peer support workers. The program is characterized by 1) low client to staff ratio, 2) a shared caseload among team members providing a coordinated care approach to service delivery, and 3) 24-hour staff availability. Referrals for this level care of care can occur through system partners such as the Office of the Public Guardian (OPG), the Office of Supportive Housing (OSH), and Whole Person Care (WPC).

The FACT Program serves high-risk criminal justice-involved adults (ages 18 to 59) and older adults (ages 60 and over) with severe and persistent mental health and/or co-occurring conditions that result in substantial functional impairments or symptoms. Due to the recalcitrant nature of their symptoms, these individuals are more likely to experience a high utilization and repetitive cycle of incarceration, homelessness, substance use, crisis, and/or hospitalization.

The FACT team, upon making a determination that the consumer has a history of chronic homelessness, will complete the Vulnerability Index – Service Prioritization Decision Assistance Tool (VI-SPDAT) to quickly assess the health and social needs of homeless individuals - matching them with the most appropriate services, support and housing interventions available. Immediate assistance with securing supported housing arrangements, including linkage to safe and permanent housing upon graduation from FACT, will be provided to these individuals.

The provision of FACT services will result in a diversion of individuals from correctional/judicial systems and higher levels of care which in turn will help reverse the cycle of ongoing criminal justice involvement. From the inception of treatment, FACT teams will address housing challenges for this population by conducting the VI-SPDAT which will play a critical role in addressing resistance from participants around housing, finding appropriate housing options for this population, and teaching participants skills necessary to live independently. This will prepare the individual for a more seamless transition into long-term permanent housing.

Pay for Success “Partners in Wellness” Update and Outcomes

On October 18, 2019, the Department submitted an off-agenda report to the Board of Supervisors on the outcomes to date of the County’s Pay for Success “Partners in Wellness” program. (Attached) In 2015, the Office of the County Executive (“County”) recognized that the Department cared for many high-need individuals who make extensive use of 24-hour psychiatric services (e.g., EPS, Barbara Aarons Pavilion, Institutes of Mental Disease (IMDs) and contract inpatient psychiatric hospitals) without finding stable recovery in the community. This was obviously hard on those clients and posed significant fiscal and logistical challenges for the county. To serve such individuals more effectively, while also being a good steward of public funds, the County launched a highly innovative “pay for success” mental health initiative in 2016.

The Department contracted with Telecare Corporation, the selected vendor in a procurement process, to provide a package of ACT and Supported Housing to individuals who both experience serious mental illness and have a history of extensive, repeated 24-hour psychiatric service utilization.

The Telecare agreement included two key components. First, individuals were randomly assigned to Telecare versus standard services, which will allow a rigorous assessment of the project’s conclusion about its clinical impact on clients. Second, under a novel financial agreement, Telecare would receive financial bonuses if it were unusually successful at reducing unnecessary 24-hour psychiatric utilization and would face financial penalties if they were not successful in this task.

During the first evaluation period (January 1, 2017 – June 30, 2017) and the second evaluation period (July 1, 2017 -June 30, 2018), Telecare patients required substantially lower than expected 24-hour psychiatric services. This included Telecare exceeding targets for reduced use of acute BAP services by 50% and use of IMDs by over 60%. For both periods, Telecare received the maximum pay for success bonus because they had overperformed so significantly. Analysis of the third evaluation period (July 1, 2018 – June 30, 2019) is nearly complete and while not finalized, again indicates very strong performance by Telecare at reducing psychiatric utilization.

As noted above, the Department has implemented ACT across the Adult and Older Adult (AOA) System with the goal of improving outcomes for all clients that would benefit from this level of care.

In-Home Outreach Team Launched Fall 2019

The IHOT is comprised of county-operated and contracted providers. This program is designed to 1) serve as an after-care program for individuals referred by law enforcement to the Mobile Crisis Response Team (MCRT). The IHOT will provide intensive outreach services by engaging the individuals and linking them to on-going services. The county-operated IHOT will also coordinate with Emergency Psychiatric Services (EPS) and provide outreach and engagement services to individuals who do not meet the criteria for inpatient hospitalization but require assistance in linkage to on-going outpatient services. Finally, the IHOT will serve as a care coordination team for individuals who may be receiving services through the OSH or through a conservatorship.

Enhanced Street Outreach and Engagement

Since the implementation of the Homeless Mentally Ill Outreach and Treatment (HMIOT) program, over 200 VI-SPDAT assessments have been completed. When HMIOT identifies homeless individuals with mental illness, they are referred to the HMIOT clinical outreach team. Currently, over 40 clients are enrolled and actively working with the clinical outreach team for continual engagement, crisis intervention, and linkage to services. Among those enrolled in HMIOT program, there was zero utilization of EPS. This is a 100% reduction in EPS services. The clinical outreach team responds to special cases addressing the needs of the homeless severely mentally ill individuals on the streets. As needed and as appropriate these individuals are assessed, provided with basic needs, interim housing/shelter, and continual follow up until they are linked to services. Among those who are enrolled with the clinical outreach team, over 50% are enrolled in Permanent Supportive Housing (PSH) programs, waiting for housing to become available.

Expansion of Wellness and Drop-In Centers

The Department continues to work on implementing culturally specific wellness and drop-in centers countywide. A Request for Proposal (RFP) to expand Wellness Centers and other community-based support services will be released in December 2019. These centers are designed to help create access and linkage to behavioral health treatment for unserved and underserved individuals and their families using strategies that are non-stigmatizing. Unlike the traditional Medi-Cal authorized services, the drop-in centers will operate using an open-door policy, whereby individuals not diagnosed with behavioral health-related disorders will also be welcome and free to attend. These wellness or drop-in centers can be co-located with non-clinical cultural services. These centers are expected to begin operations in July 2020.

The Call Center: “No Wrong Door” Approach

Through the use of updated workflows, additional staff training, and technology enhancements, the Call Center has implemented a concept typically referred to as the “No Wrong Door” approach. While supporting the Department’s compliance with network adequacy requirements, this concept has also proved to be beneficial in supporting individuals with coexisting mental health and substance abuse problems. Using this approach, individuals are connected to the appropriate services, resulting in “no wrong door” for access to these services. This includes services related to “same-day” access, and/or direct access to both mental health and substance use treatment services. With the new and expanded levels of care, individuals can more easily be directed or transitioned to levels of service which best meet their needs.

Crisis Stabilization Unit and Sobering Center

These are two distinct services that are offered by the Department. The Crisis Stabilization Unit (CSU) program provides up to 23 hours of psychiatric care to individuals experiencing a mental health crisis. The CSU provides crisis intervention, crisis stabilization, limited medical evaluation, and support. The program offers linkages to culturally and linguistically appropriate follow-up care for outpatient individuals within the Department’s continuum of care. Individuals can be brought in by law enforcement, be referred by community providers, or receive referrals from the EPS for follow-up care and coordination.

The Sobering Center provides up to 23 hours of care to individuals that are under the influence of alcohol. This program provides support during the individual’s stay while they dissipate the effects of alcohol intoxication. Staff assess the health and social needs of individuals and make referrals to appropriate community resources upon discharge from the program. Referrals are principally from local law enforcement agencies, followed by the EPS and/or the Emergency Department (ED), and individuals who voluntarily enter the program.

Both programs serve the community and provide alternative services to incarceration. Individuals that are provided housing are either affected by a mental health crisis or have relapsed to alcohol use that can negatively affect their permanent housing. These interim

services allow for stabilization and augmented case management services to address the stressors that have resulted in crisis or abuse of alcohol.

Expansion of Walk-In Shelter Beds (Short-Term Needs)

As of April 2019, there were 98 programs with a total unit capacity of 1,742. Over the past year, these programs have collectively served almost 7,500 individuals.

Inclement weather utilization increased from 27% to 44% over the past year. This increase is due to improved coordination with partners such as the National Weather Service, 211, Alert SCC, and the City of San Jose. In addition, through increased outreach and advanced inclement weather episode notification to homeless individuals; there was an enhanced awareness of the availability of beds that resulted in higher utilization. The majority of individuals and families accessing shelter and transitional programs are assessed at entry. The assessment provides information about the level of need for the household, as well as adds the household to the community queue for housing programs. During this reporting period, the individuals enrolled in the shelter and transitional programs had the following characteristics:

- Forty percent (40%) of shelter participants and 23% of transitional participants were assessed in the Permanent Supportive Housing range, indicating they may need permanent assistance to obtain and retain stable housing. Thirty-six percent (36%) of shelter participants and 43% of transitional participants were assessed at the Rapid Rehousing level, indicating a need for time-limited assistance to obtain and retain housing. The number of participants assessed at these levels far exceeds the resources available to serve all participants accessing either program.
- Participants of both shelter and transitional programs indicated a significant number of challenges related to personal wellness, demonstrating a need to address a wide range of issues to increase the participants' ability to obtain and maintain stable housing. This includes 51% of shelter participants and 25% of transitional participants reporting abuse or trauma and 27% of shelter participants and 12% of transitional participants reported a mental health issue or concern.
- Approximately a quarter (23%) of participants leaving shelter and half (48%) of the participants leaving Transitional Housing are exiting to a permanent destination. Until additional housing programs are available to serve participants (as they leave either of these programs), this percentage will likely remain stable.

New Adult Residential Treatment Program

The Department is implementing a new Adult Residential Treatment (ART) program designed for individuals who can take part in programs in the general community, but who without the supportive counseling in a therapeutic setting would be at risk of hospitalization. Without the long-term unlocked residential treatment, these individuals are more likely to be hospitalized. The ART program's goal is to provide a structured recovery-oriented residential setting that assists consumers to improve life skills and reduce functional impairments. The ART will serve individuals diagnosed with SMI and substance use disorders. The program is expected to engage adults and older adults with complex risk factors that include violence, homelessness, neglect, justice-involved and those exposed to trauma.

The ART RFP was released on November 20, 2019, with the intent of selecting one or more vendors by May 12, 2020 with an estimated contract start date on July 1, 2020. The RFP is requesting proposals that can provide both direct services and manage facility needs.

Measures to Increase and Prevent Decline of Board and Care Homes and Beds

The AOA System of Care is working with the OSH and Facilities and Fleet (FAF) to purchase board and care homes that have plans to close and go out of business. To support potential purchase(s) for the SMI/co-occurring population, the Department included the County's maximum allowable Mental Health Services Act (MHSA) funding (\$8 million) in the MHSA Plan Update to purchase and operate residential care facilities; this funding can be used for up to ten (10) years. By purchasing and preventing the closure of these homes, the intention is to mitigate the displacement of consumers currently living in these homes and abate further homelessness.

In addition, the Department recently received the Los Angeles County Mental Health Department (LADMH) report on stabilizing board and care facilities, recognizing the critical importance of maintaining and increasing these facilities. This report was approved by the Los Angeles County Board of Supervisors on November 12, 2019 and the Department, with OSH, plans to follow up with the LADMH team in December 2019.

In an effort to increase and prevent the decline of the board and care homes and beds, the AOA System of Care Division Director convenes a quarterly stakeholder meeting with the State Community Care Licensing staff and the Public Guardian Office. This meeting is used to collaborate and discuss ways to provide on-going support for existing board and care facilities that are struggling to maintain their licensure due to several deficiencies in their facility.

Hospital Discharge Transition Treatment Team

The Department continues to work on reducing the use of inpatient psychiatric hospital services for individuals diagnosed with serious mental illness. The readmission rate measures the unplanned readmissions of individuals who have been discharged from acute psychiatric

hospitals within the past 30 days. The AOA Hospital Liaison implemented a practice management solution to improve data captured at the Barbara Aarons Pavilion (BAP) and contract hospitals to allow for more efficient intervention.

To address the readmission rate, a pilot project using an Inpatient Liaison was instituted at the BAP in 2017, with the aim to provide care coordination for patients discharging from the hospital. Care coordination has improved for consumers transitioning from inpatient hospitals back into the community. In addition, the Inpatient Liaison has improved relationships with the Outpatient Treatment Team service providers and inpatient providers by instituting quarterly meetings with the inpatient and outpatient providers to discuss challenging issues that affect clients. Another area of improvement is the Inpatient Liaison's ability to flag consumers with two hospitalizations, through early identification and proactive case management of these high-risk patients, thereby reducing readmissions. The AOA System continues to track the monthly readmission rate, which is currently 10.7 %, a slight increase in the readmission rate due to several high-need, high acuity clients waiting for state hospital beds.

New Step Down Service Option to Support Wellness and Recovery

The new Wellness and Recovery Medication Services (WARMS) was initially piloted in County-operated mental health clinics and has been fully implemented at the Downtown Mental Health and Narvaez Clinics. WARMS was developed to support adult outpatient clients in maintaining their level of wellness with case management, peer support and medication support that is provided every 4-12 weeks from a psychiatrist and licensed psychiatric technician. For this lower level of care, clients continue to receive: 1) an annual mental health assessment, 2) ongoing treatment planning, and 3) light touch case management. In the past fiscal year, mental health contract providers communicated their interest in implementing WARMS to support their outpatient level of care. Currently, there are six (6) contract providers utilizing this option, and in the next fiscal year, the program will be expanded to all AOA outpatient providers.

Exploration of Medical-Detoxification Services (MHTC)

The MHTC is a service benefit covered under the Drug Medi-Cal Organized Delivery System Waiver (DMC-ODS). This would not be a "center," but rather a medical service provided in a hospital setting. The Department is working with Valley Medical Center leadership to explore implementation of an MHTC service that would provide medical detoxification and supportive treatment for clients. The intervention addresses severe addiction to drugs and/or alcohol that requires medical supervision as the individual detoxes from the substance. For individuals who are severely addicted to alcohol and other drugs, such as benzodiazepines, detoxification can be life-threatening during the early stages of detoxification. This is further exacerbated when an individual also has a chronic health condition that can further complicate the detoxification process.

To manage detoxification in these circumstances, medical interventions (including the administering of medication to minimize the deleterious effects of the detoxification process) are required. The services offered through SUTS are routinely provided to individuals that are homeless, involved with the criminal justice system, and have co-occurring mental health symptoms. These augmented services would effectively address and stabilize individuals with acute addiction issues who are involved with all system partners that also serve this population.

Enhanced Lanterman-Petris-Short (LPS) Act Conservatorship

Mental health conservatorships, also known as LPS conservatorships, are established to provide mental health services for Santa Clara County residents who are gravely disabled (unable to provide for their food, clothing or shelter) due to serious mental illness. These individuals have been found by the Court unable or unwilling to accept voluntary treatment. Mental health conservatorships are also known as Lanterman-Petris-Short conservatorships or “LPS”, named after the state Assemblyman and Senators who wrote the legislation. The law went into effect in 1972. This procedure is established in the California Welfare and Institutions Code (WIC).

Mental health conservatorship is a legal procedure through which the Superior Court appoints a conservator of the person to authorize psychiatric treatment, including the use of psychotropic medications and placement in a locked facility. The conservatee must meet the narrow definition of grave disability due to a serious mental disease.

LPS conservatorships may only be initiated by a psychiatrist while a client is in an acute psychiatric setting. Only psychiatric facilities (including jail psychiatry), may make referrals for conservatorships. Clinicians have discretion about when to refer; the treating physician may choose not to refer if it is believed that a client will recover before the hold expires. If a person reaches the 17-day limit for a hospital hold, they must be released unless a conservatorship is in place.

LPS conservatorships start with a 72-hour psychiatric hold (also known as a Welfare and Institution Code (WIC) Section 5150 hold). If clients continue to be considered gravely disabled and need additional intensive treatment, a psychiatric clinician may file for a 14-day hold (WIC Section 5250 hold). Under these WIC provisions, a patient can be held for a maximum of 17 days without conservatorship. After the first three days, the client has the right to a hearing and representation by the Public Defender.

Upon receiving a referral, the Public Guardian Conservator will determine if the referral is appropriate (that the client is a Santa Clara County resident and is on an involuntary hospital hold). If deemed appropriate, the Public Guardian Conservator works with County Counsel to petition the Superior court to grant a temporary conservatorship (T-con). This ensures that

the client will continue to receive appropriate care during the judicial process. Once the T-con is granted, the Public Conservator completes an investigation, including consulting with the psychiatrist, reviewing medical records and meeting with family (if appropriate). The Public Guardian Conservator then works with County Counsel to file a petition with the Court for continued conservatorship. If the T-con expires before the petition is ready, the Court may grant a 30-day extension.

Proposed conservatees are appointed representation by an attorney from the Office of the Public Defender. If the Court determines that the client is gravely disabled due to serious mental illness and are unable or unwilling to accept voluntary treatment, the client is placed on a “permanent” conservatorship, which lasts up to one year. The client has a right to appeal the conservatorship and may request a trial.

The Public Guardian Conservator works with the Department’s 24-Hour Care team to place the client in treatment, which generally includes finding an appropriate residential facility based on the physician’s recommendation and the needs of the client. The Public Guardian Conservator:

- Prepares reports for the Court
- Recommends appropriate level of placement, seeking the best and most independent living environment available, within the conservatee’s abilities and resources
- Monitors psychiatric care in collaboration with treatment team
- Consents to medical treatment and psychiatric medications when authorized
- Advocates on behalf of conservatees
- Provides case management for clients

A general LPS conservatorship lasts for a year or until it is determined that the conservatee no longer meets the legal criteria for conservatorship. At the end of the year, if the conservatee continues to meet the criteria for conservatorship, County Counsel files a petition for renewal of conservatorship.

Implementation of Assisted Outpatient Treatment (AOT)

In 2002, California passed The Assisted Outpatient Treatment Demonstration Project Act, aka Laura’s Law, authorizing the provision of assisted outpatient treatment (AOT). As explained in reports to the Health and Hospital Committee (HHC) on September 13, 2017 (ID# 88121) and August 22, 2019 (ID# 97937),¹ this law allows courts, in certain circumstances after following a specific set of procedures, to order people to receive

¹ These reports are attached to this report for ease of reference.

involuntary outpatient mental health services.² The 2002 law did not provide any funding for implementing AOT³ and specifies that funding for voluntary mental health programs may not be reduced as a result of the implementation of AOT. Each County Board of Supervisors must approve AOT implementation in its county.

Currently, 20 counties have implemented AOT and are able to use the court system to enroll in involuntary outpatient treatment people with serious mental illness who are unable and/or unwilling to participate in treatment and meet the criteria established in Welfare & Institutions Code § 5346. As part of the AOT process, before AOT proceedings can begin, the person must have been offered an opportunity to participate in a treatment plan and continue to fail to engage in treatment. So far, the vast majority of people involved in an AOT program voluntarily engaged with services before court proceedings began.

The most recent information available about the outcomes of those 20 AOT programs is derived from data six counties provided⁴ to the California Department of Health Care Services (DHCS) for the 2016-2017⁵ time period. During that time period, there were 63 court-involved individuals in the six reporting counties. All of the data collected indicates that those 63 people benefited from being connected to treatment via AOT: homelessness, hospitalization, and contact with law enforcement decreased; some people secured employment; and most individuals remained fully engaged with services at the end of their court ordered treatment. However, none of the reports used standardized measures, followed participants for a standard period of time, included a large enough sample size, or compared the AOT participants to a control group that did not face the threat of court order to enter treatment. Given these limitations, the utility of this outcome data is quite limited and cannot demonstrate a causal relationship between the AOT process and the outcomes for the participants.⁶

As detailed in other sections of this report, Santa Clara County recently stood up new FACT, ACT, and FSP services. These services use evidence-based practices to provide the level of care most AOT participants would require, using a “whatever it takes” approach. The Department has also been making efforts to expand the breadth and methods of its community engagement. AOT participants have the option of engaging Mobile Crisis Response Team, In-Home Treatment program, Crisis Text Line, Homeless Mentally Ill Outreach and Treatment program, and call center. With the recent expansion of services and

² Please see the September 13, 2017 report for more detailed description of the goals of AOT (packet pages 585-86), eligibility criteria (586-87), court process (587), and service program requirements (588).

³ Orange County and Nevada County estimated treatment costs at \$35,000-\$40,000 per person per year.

⁴ The other counties did not have enough data to report.

⁵ Most of the counties currently using AOT, did not begin implementation until 2015-2016.

⁶ San Francisco and Contra Costa Counties have also released evaluation reports on their AOT implementation. These counties reported similar findings and the utility of their data is similarly limited.

continued efforts at voluntary engagement, the Department is already providing many of the beneficial pieces associated with AOT in Santa Clara County.

At the August 22, 2019 HHC meeting, Supervisors Ellenberg and Simitian asked the Department to provide the HHC with quarterly reports on the progress of these new services and include in those reports an analysis of the possibility of implementing an AOT program. Given how new the ACT, FACT, and FSP services are to the County, these reports will allow the HHC to keep a close eye on their implementation and gauge their effectiveness.

The recommended action supports the County of Santa Clara Health System's Strategic Road Map goals by increasing the number of healthy life years through improving access to safe, supportive, and effective care.

CHILD IMPACT

The recommended action would have a positive impact on children by providing information on projects and resources for homeless, dually diagnosed, and severely mentally ill clients from this target population.

SENIOR IMPACT

The recommended action would have a positive impact on seniors by providing information on projects and resources for homeless, dually diagnosed, and severely mentally ill clients from this target population.

SUSTAINABILITY IMPLICATIONS

The recommended action balances public policy and program interests and enhances the Board of Supervisors' sustainability goals of social equity and safety by outlining and developing processes and procedures to address the needs and engage homeless individuals, dually diagnosed and SMI individuals in Santa Clara County.

BACKGROUND

At the August 22, 2019 HHC, the Department provided information on the Fiscal Year (FY) 2019 Work Plan and accomplishments, including expansion of the AOA System's crisis continuum, diversion and post justice services and planned implementation of new and expanded services (ID# 97937). These services include Assertive Community Treatment, Forensic Assertive Community Treatment, Intensive Full-Service Partnerships and the In-Home Outreach Teams. In addition, the Blackbird House, a new Peer Respite program operated by Caminar, opened its door in December 2018. The Department also reviewed the FY2020 Work Plan (ID# 97937) which includes new services in both County-operated programs and RFPs for new contract provider services. These services were designed to meet the needs of clients with intensive mental health and substance use issues.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve recommended action would result in the inability of the Board of Supervisors to receive a report on the current and future projects, plans, and services that would help engage house, and serve homeless, dually diagnosed, and SMI individuals.

LINKS:

- Linked To: 98761 : 98761
- Linked To: 88121 : 88121
- Linked To: 97937 : 97937



CITY OF MILPITAS AGENDA REPORT (AR)

| | |
|-------------------------------|---|
| Item Title: | Adopt a Resolution in Support of the Principles of the Convention on the Elimination of All Forms of Discrimination Against Women |
| Category: | Reports of Mayor and Councilmembers |
| Meeting Date: | 5/19/2020 |
| Staff Contact: | Councilmember Dominguez, 408-586-3031 Councilmember Phan, 408-586-3032 |
| <u>Recommendation:</u> | Adopt a Resolution in support of the principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. |

Background:

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a landmark international agreement that affirms principles of fundamental human rights and equality for women around the world. To date, 187 out of 193 United Nations member states have ratified CEDAW. The United States is one of only six countries—along with Iran, Sudan, Somalia, Palau and Tonga—that have not ratified CEDAW. CEDAW defines discrimination and provides a practical blueprint to promote human rights and open opportunities for women and girls in all areas of society. The treaty calls on each ratifying country to overcome barriers to discrimination in the political, social, economic, and cultural fields. This includes addressing issues of domestic violence, trafficking, affordable health care and child care, economic security, pay inequities, paid family leave, and educational and vocational opportunities.

Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity, and worth of the human person, in the equal rights of men and women.

Analysis:

The Convention of Elimination of All Forms of Discrimination Against Women lays out specific universal standards that affirm the fundamental rights of women and girls and offers a framework to foster gender equality and eliminate discrimination against women. It defines what constitutes discrimination against women broadly to encompass policies that negatively affect women's human rights, and offers a blueprint to create more equitable opportunities and outcomes for the City of Milpitas.

By using an intersectional approach, the City of Milpitas, can help women by building policies that address all aspects of their identity. CEDAW seeks to foster not only equal opportunities, but also more equitable outcomes. Furthermore, the City of Milpitas will be able to form outcomes that will help prevent workplace violence, discrimination and sexual harassment.

Recommendation:

Adopt a resolution in support of the principles of the United Nation Convention on The Elimination of All Forms of Discrimination Against Women, referenced as "CEDAW."

Attachment

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS IN SUPPORT OF
THE PRINCIPLES OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN**

WHEREAS, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a comprehensive international women's rights treaty that calls for appropriate measures, such as legislation, to ensure women's rights and equality in all aspects of life, including in the political, social, economic, cultural, and civil fields; and the CEDAW was adopted by the United Nations General Assembly in 1979 and ratified by 187 countries but the United States remains one of only six countries that have not ratified the treaty; and

WHEREAS, the spirit of the Convention is rooted in the goals of the United Nations to affirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and as CEDAW provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based upon sex; and

WHEREAS, CEDAW, sometimes called an International Bill of Rights for Women, obligates those countries which have ratified or acceded to it to take all appropriate measures to ensure the full development and advancement of women in all spheres; political, educational, employment, health care, economic, social, legal, marriage and family relations, as well as to modify the social and cultural patterns of conduct of men and women to eliminate prejudice, customs and all other practices based on the idea of inferiority or superiority of either sex; and

WHEREAS, fifty-two countries, including the United States, signed CEDAW during the 1980 Mid-Decade Conference for Women in Copenhagen, Denmark, and to date 161 countries, representing over half of the world's countries, have now ratified or acceded to the Convention, and yet the United States has not ratified or acceded to it; and

WHEREAS, municipal governments have an appropriate and legitimate role in affirming the importance of international law in our communities as universal norms and to serve as guides for public policy; and

WHEREAS, there are vast gender disparities at the local, state, and national level; women, particularly women of color, disabled women, Native women, immigrant women, trans women, and women from marginalized communities suffer from unequal pay in Santa Clara County; and

WHEREAS, CEDAW provides a comprehensive framework for governments to examine their policies and practice in relation to women and girls and to rectify discrimination based on gender; and

WHEREAS, the adoption would further support the initiative of the California State Legislature in endorsing ratifications of CEDAW, when by resolution in 1997, it encouraged the United States Senate to ratify the Convention.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other

materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The City Council supports the principles of the United Nations Convention on The Elimination of All Forms of Discrimination Against Women referenced as “CEDAW.”
3. The City Council hereby directs staff to come back with an ordinance to implement in the City of Milpitas using the principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in city operations.

PASSED AND ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

MILPITAS CITY COUNCIL

PREVIEW LIST of AGENDA ITEMS

JUNE 2, 2020

CONSENT CALENDAR

- 1) Receive City Council calendar for June 2020 (Mary Lavelle)
- 2) Approve City Council meeting minutes of May 12, 15 and 19, 2020 (Mary Lavelle)
- 3) 2nd Reading/Adopt Ordinance No. 305 to authorize medical billing costs added to Master Fee Schedule (for ambulance service) (Geoff Maloon)
- 4) Adopt a Resolution Calling for Municipal Election on November 3, 2020 (Mary Lavelle)
- 5) Adopt a Resolution Granting Acceptance of Lyon development - Lot 1 (Kan Xu)
- 6) Adopt a Resolution Authorizing sole source purchase of RapidView IBAK PANORAMO 360-Degree Camera System for Public Works Dept. from Jack Doheny Co. via Sourcewell cooperative for \$147,777.04 (Tony Ndah, Chris Schroeder)
- 7) Adopt a Resolution Approving Sole Source Purchase of various equipment for Police Dept. from AXON Enterprises, Inc. and Authorizing the City Manager to Execute Amendment No. 2 to the Agreement with Axon (John Torrez, Chris Schroeder)
- 8) Approve and Authorize 5 year Agreement with County for Emergency Medical Dispatching for \$328,000 (John Clum, Chris Schroeder)
- 9) Approve Agreement for Utility Electronic Bill Presentment and Payment (Zachary Devine, Jane Corpus)
- 10) Approve Agreements with 2 Firms to Provide Homeless Camps clean-up service (Tony Ndah)

PUBLIC HEARINGS

- 11) Adopt City's FY 2020-21 Operating Budget & CIP and related actions (Walter Rossmann)
- 12) 1st reading/Introduce Ordinance to amend Accessory Dwelling Units regulation (Ned Thomas)

COMMUNITY SERVICES

- 13) Final Report of Energy & Water Conservation Savings (Tony Ndah)

REPORTS from Mayor and Councilmembers on assigned Committees, Commissions and outside bodies

PREVIEW NEXT AGENDA

- 14) Preview list of items for June 16, 2020 regular City Council meeting (Mary Lavelle)